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सं. 43] नई दिल्ली, अक्टूबर 21—अक्टूबर 27, 2012, शनिवार/आश्विन 29—कार्तिक 5, 1934
No. 43] NEW DELHI, OCTOBER 21—OCTOBER 27, 2012, SATURDAY/ASVINA 29—KARTIKA 5, 1934

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)
(सीमा-शुल्क के आयुक्त का कार्यालय)
पुणे, 19 जुलाई, 2012
सं. 02/2012—सीमा शुल्क (एन. टी.)

का.आ.3210.—सीमा-शुल्क अधिनियम, 1962 की धारा 8 (क) के अधीन प्रदत्त अधिकारों को कार्यान्वित करते हुए मैं, वासा शेषगिरि राव, आयुक्त, सीमा-शुल्क, पुणे एतद्वारा निम्नलिखित अनुसूची के

स्तंभ संख्या 2 तथा 3 में विनिर्दिष्ट स्थानों को जो कथित अनुसूची के स्तंभ 1 में उल्लिखित बन्दरगाह (पोर्ट) में स्थित है उनको आयातित माल को खाली करने (अनलोडिंग) तथा निर्यात किए जाने वाले माल के लदान (लोडिंग) हेतु मंजूरी प्रदान करता हूँ तथा सीमा-शुल्क अधिनियम, 1962 के संबंधित उपबंधों का कड़ाई से पालन तथा भारत सरकार द्वारा समय-समय पर जारी परिपत्र/अनुदेशों का अनुसरण किए जाने की शर्तों पर कथित अधिनियम की धारा 8(ख) के अधीन स्तंभ संख्या 4 में विनिर्दिष्ट सीमा में आने वाले स्तंभ 2 तथा 3 में विनिर्दिष्ट स्थानों को सीमा-शुल्क क्षेत्र के रूप में अधिसूचित करता हूँ।

अनुसूची

बन्दरगाह का नाम	माल उतारने का स्थान	सीमा-शुल्क क्षेत्र	सीमाएं
1	2	3	4
जयगड़ बन्दरगाह	सांडे लावगन गांव में स्थित अंग्रे बन्दरगाह प्राइवेट लिमिटेड (एपीपीएल) का "जयगड़ बन्दरगाह", जयगड़ बन्दरगाह की सीमाओं में आने वाली जयगड़ खाड़ी जो भारतीय	संलग्न मानचित्र/नक्शा के अनुसार क्षेत्र का अधिभाषण 1,12,701,25 स्क्वेअर मीटर्स	भौगोलिक निर्देशांक अक्षांश-17° 17' उत्तर रेखांश-73° 14' पूर्व सीमाएं : उत्तर : शास्त्री नदी पूर्व : चौधुले स्टीमशीप्स लिमिटेड की सम्पत्ति

1	2	3	4
	पोर्ट अधिनियम, 1908 (1908 का XV) की धारा 5 के अधीन प्रदत्त अधिकारों के कार्यान्वयन में महाराष्ट्र सरकार की अधिसूचना संख्या.आईपीए 1298/सीआर- 107/पीआरटी-1 दिनांक 06-01-2000 के अधीन अधिसूचित है।		दक्षिण: चौधुले स्टीमशीप्स लिमिटेड की सम्पत्ति पश्चिम: अंग्रे पोर्ट प्राइवेट लिमिटेड की सम्पत्ति

[फा.सं. VIII/सी.शु./टीसी/48-1/जेपीआईपीएल/2012/2943]

वासा शेषगिरि राव, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CUSTOMS)

Pune, the 19th July, 2012

No. 02/2012-Customs (N.T.)

S.O. 3210.—In exercise of the powers conferred under Section 8 (a) of the Customs Act, 1962, I, Vasa Seshagiri Rao, Commissioner of Customs, Pune, hereby approve the

places specified in column no. 2 & 3 of the Schedule given below located in the Port mentioned in column no. 1 of the said Schedule to be the landing place for unloading of imported goods and loading of export goods, and also notify the area under Section 8 (b) of the said Act as specified in column 2 & 3 as Customs area with its limit specified in column no. 4 of the schedule subject to the strict observance of provisions of the Customs Act, 1962 and the circular/instruction issued by the Government of India from time to time in pursuance thereof.

SCHEDULE

Name of the Port	Landing place	Customs Area	Limits
1	2	3	4
Jaigad Port	“Jaigad Port” of Angre Port Pvt. Ltd. (APPL) at Village Sande Lavgan, Jaigad Bay within the limits of Jaigad Port notified under Government of Maharashtra Notification No. IPA 1298/CR-107/PRT-I dated 06-01-2000 in exercise of the powers conferred by Section 5 of the Indian Ports Act, 1908 (XV of 1908)	Area admeasuring 1,12,701.25 Sq. Mtrs as per the attached drawing/Map	Geographical Coordinates: Latitude-17° 17' N Longitude-73° 14' E Boundaries: North: Shastri River East: Property belonging to Chowgule Steamships Ltd. South: Property belonging to Chowgule Steamships Ltd. West: Property belonging to Angre Port Pvt. Ltd.

[F. No. VIII/Cus./TC/48-1/JPIPL/2012/2943]

VASA SESHAGIRI RAO, Commissioner

केंद्रीय उत्पाद एवं सीमा-शुल्क आयुक्तालय

राजकोट, 8 अगस्त, 2012

सं. 01/2012-सीमा-शुल्क (एन.टी.)

का.आ. 3211.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा सीमा-शुल्क अधिनियम, 1962 (1962 का 52) के अनुच्छेद 152 के खंड (अ) के अंतर्गत जारी की गई अधिसूचना सं. 39/94-सी.शु.(एन.टी.) दिनांक 01-07-94 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, वी. पद्मनाभन, आयुक्त, केंद्रीय उत्पाद एवं सीमा-शुल्क, यह घोषणा करता हूँ कि कच्छ जिले के भुज तालुका की 44.1620 हेक्टेयर भूमि जो (1) N23 49 31.5 E 69 13 43.2, (2) N23 49 44.0 E 69 13 43.2, (3) N23 49 44.0 E 69 14 11.9, (4) N23 49 24.5 E 69 14 11.9, (5) N23 49 24.5 E 69 13 50.7 तथा (6) N23 49 31.5 E 69 13 50.7 अक्षांश/देशांतर पर स्थित है और जिसकी आस-पास के क्षेत्र में वास्तविक दूरी है— (1) दक्षिण-हाजीपुर मंदिर से 16.1 कि. मी., (2) उत्तर-अंतरराष्ट्रीय सीमा (पाकिस्तान के साथ) से 46.5 कि. मी., (3) पूर्व-खवाड़ा से 47.5 कि.मी., (4) पश्चिम-लखपत किले से 47.5 कि.मी. है, इस भूमि का प्रयोग 100 प्रतिशत निर्यात अभिमुख यूनिट (ई.ओ.यू.) स्थापित करने के लिए सीमा-शुल्क अधिनियम, 1962 के अनुच्छेद 9 के तहत भंडारण स्टेशन के रूप में किया जाएगा।

[फा.सं. VIII/40-30/सी. शु.- टी/2010]

वी. पद्मनाभन, आयुक्त, सीमा एवं केंद्रीय उत्पाद शुल्क

OFFICE OF THE COMMISSIONER OF
CUSTOMS AND CENTRAL EXCISE

Rajkot, the 8th August, 2012

No. 01/2012-Cus (N.T.)

S.O. 3211.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus (NT) dated 01-07-94 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962 (52 of 1962), I, V. Padmanabhan, Commissioner of Customs and Central Excise, hereby declare 44.1620 Hectares area of land at Latitude/Longitude of (1) N23 49 31.5 E 69 13 43.2, (2) N23 49 44.0 E 69 13 43.2, (3) N23 49 44.0 E 69 14 11.9, (4) N23 49 24.5 E 69 14 11.9, (5) N23 49 24.5 E 69 13 50.7 and (6) N23 49 31.5 E 69 13 50.7 of Bhuj Taluka of Kachchh District and exact distance from surrounding locations given as (1) on South-Hajipur Shrine: 16.1 Km (2) on North-International Border (with Pakistan) 46.5 Km. (3) of East Khavada 47.5 Km (4) on West-Lakhpur Fort 47.5 Km. as a warehousing station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% Export Oriented Unit (EOU) only.

[F. No. VIII/40-30/CUS-T/2010]

V. PADMANABHAN, Commissioner, Customs & Central Excise

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 12 अक्टूबर, 2012

का.आ. 3212.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, प्रो. दामोदर आचार्य (जन्म तिथि: 02.04.1949) को उनकी नियुक्ति की अधिसूचना की तिथि से चार वर्षों की अवधि के लिए भारतीय रिजर्व बैंक के केन्द्रीय निदेशक मंडल में निदेशक के रूप में नामित करती है।

[फा. सं. 1/4/2011-बीओ-1]

विजय मल्होत्रा, अवर सचिव

(Department of Financial Services)

New Delhi, the 12th October, 2012

S.O. 3212.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Prof. Damodar Acharya (DOB: 02.04.1949) to be director on the Central Board of Directors of Reserve Bank of India, for a period of four years from the date of notification of his appointment.

[F. No. 1/4/2011-BO-I]

VIJAY MALHOTRA, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 6 अगस्त, 2012

का.आ.3213.—इस मंत्रालय की दिनांक 19-01-2012 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार, केंद्रीय फिल्म प्रमाणन बोर्ड के मुंबई सलाहकार पैनल में श्री संजय दत्त को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, अतिरिक्त सदस्य के रूप में नियुक्त करती है।

[फा.सं. 809/2/2011-एफ(सी)]

निरुपमा कोतारू, निदेशक (फिल्म)

MINISTRY OF INFORMATION
AND BROADCASTING

New Delhi, the 6th August, 2012

S.O. 3213.—In continuation of this Ministry's Notification of even number, dated 19-01-2012 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and

subsequent to his submitting resignation to the Competent Authority in this regard, the Central Government hereby removes Shri Sanjay Dutt from the Mumbai Advisory Panel of the Central Board of Film Certification with immediate effect.

[F.No. 809/2/2011-F(C)]

NIRUPAMA KOTRU, Director (Films)

नई दिल्ली, 11 सितम्बर, 2012

का.आ.3214.—इस मंत्रालय की दिनांक 19.01.2012 की समसंख्यक अधिसूचना के अनुक्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिनांक 19-01-2012 की अधिसूचना की क्रम सं. 33 में लिखे गए 'सुश्री रंजना' के नाम को संशोधित किया जाता है और अब केंद्रीय फिल्म प्रमाणन बोर्ड के बंगलौर सलाहकार पैनल के सदस्य के रूप में नियुक्त 'श्री जे.एस. राजन्ना' पढ़ा जाए।

[फा.सं.809/4/2011-एफ(सी)]

निरुपमा कोत्रु, निदेशक (फिल्म)

New Delhi, the 11th September, 2012

S.O. 3214.—In continuation of this Ministry's Notification of even number, dated 19.01.2012 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the name at S.No. 33 of the notification dated 19-01-2012 written as 'Ms. Ranjana' is amended and may now be read as 'Mr. J.S. RAJANNA' appointed as member of the Bangalore Advisory panel of the Central Board of Film Certification.

[F.No. 809/4/2011-F(C)]

NIRUPAMA KOTRU, Director (Films)

नई दिल्ली, 13 सितम्बर, 2012

का.आ.3215.—इस मंत्रालय की दिनांक 19-01-2012 की समसंख्यक अधिसूचना के अनुक्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल में श्री श्रीकांत भाटिया को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पैनल के सदस्य के रूप में नियुक्त करती है।

[फा.सं. 809/3/2011-एफ(सी)]

निरुपमा कोत्रु, निदेशक (फिल्म)

New Delhi, the 13th September, 2012

S.O. 3215.—In continuation of this Ministry's Notification of even number, dated 19-01-2012 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Shrikant Bhatia as member to the Delhi Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/3/2011-F(C)]

NIRUPAMA KOTRU, Director (Films)

नई दिल्ली, 13 सितम्बर, 2012

का.आ.3216.—इस मंत्रालय की दिनांक 19-01-2012 की समसंख्यक अधिसूचना के अनुक्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के मुंबई सलाहकार पैनल में निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पैनल के सदस्य के रूप में नियुक्त करती है:

क्र.सं.	नाम
1.	श्रीमती मीनाक्षी मोहन सिंह
2.	श्री साबिर वाई, निरबन
3.	श्री बोन्नी जैन

[फा.सं. 809/2/2011-एफ(सी)]

निरुपमा कोत्रु, निदेशक (फिल्म)

New Delhi, the 13th September, 2012

S.O. 3216.— In continuation of this Ministry's Notification of even number, dated 19.01.2012 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Mumbai Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

Sl. No.	Name
1.	Smt. Minakshi Mohan Singh
2.	Shri Sabir Y. Nirban
3.	Shri Bonnie Jain

[F.No. 809/2/2011-F(C)]

NIRUPAMA KOTRU, Director (Films)

नई दिल्ली, 20 सितम्बर, 2012

का.आ.3217.—इस मंत्रालय की दिनांक 22.02.2012 की समसंख्यक अधिसूचना के अनुक्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल में श्री उज्जवल अरोड़ा को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पैनल के सदस्य के रूप में नियुक्ति करती है।

[फा.सं. 809/3/2011-एफ(सी)]

निरुपमा कोत्रु, निदेशक (फिल्म)

New Delhi, the 20th September, 2012

S.O. 3217.—In continuation of this Ministry's Notification of even number, dated 22-02-2012 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Ujjwal Arora as member to the Delhi Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/3/2011-F(C)]

NIRUPAMA KOTRU, Director (Films)

नई दिल्ली, 24 सितम्बर, 2012

का.आ.3218.—इस मंत्रालय की दिनांक 22-02-2012 की समसंख्यक अधिसूचना के अनुक्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के चेन्नै सलाहकार पैनल में श्री सी. वेत्तीसेलवम को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पैनल के सदस्य के रूप में नियुक्ति करती है।

[फा.सं. 809/7/2011-एफ(सी)]

निरुपमा कोत्रु, निदेशक (फिल्म)

New Delhi, the 24th September, 2012

S.O. 3218.—In continuation of this Ministry's Notification of even number, dated 22-02-2012 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri C. Vetriseelvame as member of the Chennai Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/7/2011-F(C)]

NIRUPAMA KOTRU, Director (Films)

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

नई दिल्ली, 17 अक्टूबर, 2012

का.आ. 3219.—राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए प्रयोग), 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालय चीफ पोस्टमास्टर जनरल उत्तराखंड परिमंडल, देहरादून-248001 को, जिनके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11017-1/2011-रा.भा.]

मीरा हांडा, उप महानिदेशक (पी ओ एवं आई/रा.भा.)

MINISTRY OF COMMUNICATION AND INFORMATION TECHNOLOGY

(Department of Posts)

New Delhi, the 17th October, 2012

S.O. 3219.—In pursuance of Rule 10(4) of the Official Language (use for official purposes of the Union) Rule, 1976, the Central Government hereby notifies Office of the Chief Postmaster General, Uttarakhand Circle, Dehradun-248001 of the Department of Posts where 80% staff has acquired the working knowledge of Hindi.

[No. 11017-1/2011-OL]

MEERA HANDA, Dy. Director General (PO & I/OL)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 16 अक्टूबर, 2012

का.आ. 3220.—प्रौद्योगिकी संस्थान अधिनियम, 1961 की धारा 6 की उप-धारा (1क) के प्रावधान में यह व्यवस्था की गई है कि "इस अधिनियम के प्रावधानों के अध्यधीन प्रत्येक संस्थान निम्नलिखित के द्वारा अपने अंचल में शामिल राज्यों और संघ राज्य क्षेत्रों की प्रौद्योगिकीय आवश्यकताओं को पूरा करने का प्रयास कर सकता है। (क) अंचल में स्थित तकनीकी शिक्षा की संस्थाओं की गुणता और सामर्थ्य में वृद्धि करने की दृष्टि से उनको समर्थन और सहयोग प्रदान करना, (ख) तकनीकी शिक्षा तथा परामर्श के लिए संस्थान को उनके द्वारा भेजे गए किसी तकनीकी मुद्दे के मामले में अपने अंचल में शामिल राज्य सरकारों और संघ राज्य क्षेत्रों को परामर्श देना"।

और जबकि प्रौद्योगिकी संस्थान, 1961 की धारा 11 के खंड (ग) के अनुसार प्रत्येक भारतीय प्रौद्योगिकी संस्थान के शासी बोर्ड अन्य के साथ-साथ निम्नलिखित शामिल होने चाहिए :

"जिस अंचल में संस्थान स्थित है उसमें शामिल प्रत्येक राज्य की सरकार द्वारा ऐसे व्यक्तियों में से एक व्यक्ति को नामित किया

जाएगा जो उक्त सरकार की राय में प्रौद्योगिकीविद् हो अथवा सुप्रसिद्ध उद्योगपति हो"।

और जबकि प्रौद्योगिकी संस्थान अधिनियम, 1961 की धारा 3 के खंड (ड) में 'अंचल' की परिभाषा नीचे दिए अनुसार दी गई है :—

(ड) किसी संस्थान के संबंध में 'अंचल' से तात्पर्य राज्यों और संघ राज्य क्षेत्रों के ऐसे समूह से है जिसे केन्द्र सरकार द्वारा सरकारी राजपत्र में अधिसूचना के द्वारा विनिर्दिष्ट किया जाए।

इसलिए, अब प्रौद्योगिकी संस्थान अधिनियम, 1961 की धारा 3 के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, मानव संसाधन विकास मंत्रालय, उच्चतर शिक्षा विभाग के पत्र सं. 7-18/2001-टीएस.-1 दिनांक 4 जनवरी, 2010 का अधिक्रमण करते हुए केन्द्र सरकार अंचलों का नीचे दिए अनुसार पुनर्गठन करती है:

क्र. सं.	संस्थान का नाम	पुनर्गठित अंचल
(1)	(2)	(3)
1.	भारतीय प्रौद्योगिकी संस्थान, दिल्ली	राष्ट्रीय राजधानी क्षेत्र दिल्ली
2.	भारतीय प्रौद्योगिकी संस्थान, कानपुर	उत्तर प्रदेश
3.	भारतीय प्रौद्योगिकी संस्थान, खड़गपुर	पश्चिम बंगाल
4.	भारतीय प्रौद्योगिकी संस्थान, रूड़की	हरियाणा, उत्तराखंड
5.	भारतीय प्रौद्योगिकी संस्थान, बॉम्बे	महाराष्ट्र, गोवा, दादर और नगर हवेली
6.	भारतीय प्रौद्योगिकी संस्थान, मद्रास	केरल, तमिलनाडु, पुदुचेरी, लक्षद्वीप, अंडमान और निकोबार
7.	भारतीय प्रौद्योगिकी संस्थान, गुवाहाटी	त्रिपुरा, मणिपुर, अरुणाचल प्रदेश, मेघालय, मिजोरम, नागालैंड, सिक्किम, असम
8.	भारतीय प्रौद्योगिकी संस्थान, हैदराबाद	कर्नाटक, आंध्र प्रदेश
9.	भारतीय प्रौद्योगिकी संस्थान, पटना	बिहार, झारखंड
10.	भारतीय प्रौद्योगिकी संस्थान, गांधीनगर	गुजरात, दमन और दीव
11.	भारतीय प्रौद्योगिकी संस्थान, भुवनेश्वर	ओड़िसा
12.	भारतीय प्रौद्योगिकी संस्थान, रोपड़	पंजाब, चंडीगढ़
13.	भारतीय प्रौद्योगिकी संस्थान, राजस्थान	राजस्थान
14.	भारतीय प्रौद्योगिकी संस्थान, इन्दौर	मध्य प्रदेश, छत्तीसगढ़

15. भारतीय प्रौद्योगिकी संस्थान, मंडी जम्मू और कश्मीर, हिमाचल प्रदेश,
16. भारतीय प्रौद्योगिकी संस्थान (बनारस हिन्दू विश्वविद्यालय, वाराणसी उत्तर प्रदेश

[सं. 16-8/2012-टीएस-1]

आर.डी. सहाय, संयुक्त सचिव

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Higher Education)**

New Delhi, the 16th October, 2012

S.O. 3220.—Whereas the provision of sub-section (1A) of section 6 of the Institutes of Technology Act, 1961 provides that "subject to the provisions of this Act, every Institute may strive to meet the technological needs of the States and the Union Territories included in its zone by—
(a) supporting and collaborating with technical education institutions located in the zone with a view to enhance their quality and capability, (b) advising the State Governments and the Union Territories included in its zone in the matter of technical education and any technological issue referred by them to the Institute for advice."

And whereas, as per clause (C) of section 11 of the Institutes of Technology Act, 1961, the Board of Governors of every IIT is supposed to consist inter-alia, of

"One person to be nominated by the Government of each of the States comprising the zone in which the Institute is situated from among persons who, in the opinion of that Government, are technologists or industrialist of repute."

And whereas, clause (m) of section 3, of the Institutes of Technology Act, 1961 defines 'Zone' as under:-

(m) 'Zone' in relation to an Institute, means such group of states and Union Territories as the Central Government may, by notification in the Official Gazette, specify.

Now, therefore in exercise of the powers conferred by clause (m) of section 3, of the Institutes of Technology Act, 1961 and in supersession of the Government of India, Ministry of Human Resource Development, Department of Higher Education Communication No. 7-18/2001 TS. 1 dated 4th January, 2010 the Central Government hereby makes the re-constitution of Zones as follows :

S. No.	Name of the Institute	Reconstituted Zone
(1)	(2)	(3)
1.	Indian Institute of Technology, Delhi	N.C.T. of Delhi
2.	Indian Institute of Technology, Kanpur	Uttar Pradesh
3.	Indian Institute of Technology, Kharagpur	West Bengal
4.	Indian Institute of Technology, Roorkee	Haryana, Uttarakhand
5.	Indian Institute of Technology, Bombay	Maharashtra, Goa, Dadra and Nagar Haveli
6.	Indian Institute of Technology, Madras	Kerala, Tamil Nadu, Puducherry, Lakshadweep, Andaman and Nicobar

(1)	(2)	(3)
7. Indian Institute of Technology, Guwahati		Tripura, Manipur, Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Sikkim Assam
8. Indian Institute of Technology, Hyderabad		Karnataka, Andhra Pradesh
9. Indian Institute of Technology, Patna		Bihar, Jharkhand
10. Indian Institute of Technology, Gandhinagar		Gujarat, Daman and Diu
11. Indian Institute of Technology, Bhubaneswar		Odisha
12. Indian Institute of Technology, Ropar		Punjab, Chandigarh
13. Indian Institute of Technology, Rajasthan		Rajasthan
14. Indian Institute of Technology, Indore		Madhya Pradesh, Chhattisgarh
15. Indian Institute of Technology, Mandi		Jammu and Kashmir, Himachal Pradesh
16. Indian Institute of Technology, (Banaras Hindu University), Varanasi		Uttar Pradesh

[No. 16-8/2012-TS-I]

R. D. SAHAY, Joint. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 3 सितम्बर, 2012

का.आ.3221.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद संबंधक विश्वविद्यालय की नामावली में परिवर्तन हो जाने के कारण उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में—

(क) “बाम्बे/मुम्बई विश्वविद्यालय, महाराष्ट्र” के समक्ष “मान्यता प्राप्त चिकित्सा अर्हता” (इसके बाद कालम (2) में रूप में संदर्भित) शीर्षक के अंतर्गत और पंजीकरण के लिए संक्षेपण” (इसके बाद कालम (3) के रूप में संदर्भित) शीर्षक के अंतर्गत निम्नलिखित अंतः-स्थापित किया जाएगा, अर्थात्:—

2	3
“बाल स्वास्थ्य में डिप्लोमा”	डीसीएच (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह ग्रांट मेडिकल कालेज मुम्बई, महाराष्ट्र में प्रशिक्षित विद्यार्थियों के बारे में बाम्बे/मुम्बई विश्वविद्यालय, महाराष्ट्र द्वारा वर्ष 1996 से 2005 में प्रदान की गई हो)।

(ख) “महाराष्ट्र विश्वविद्यालय ऑफ हेल्थ साइंसेस, नासिक, महाराष्ट्र” के समक्ष “मान्यता प्राप्त चिकित्सा अर्हता” (इसके बाद कालम (2) के रूप में संदर्भित) शीर्षक के अंतर्गत और “पंजीकरण के लिए संक्षेपण” (इसके बाद कालम (3) के रूप में संदर्भित) शीर्षक के अंतर्गत निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

2	3
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“बाल स्वास्थ्य में डिप्लोमा” डीसीएच (यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह ग्रांट मेडिकल कालेज मुम्बई, महाराष्ट्र में प्रशिक्षित विद्यार्थियों के बारे में महाराष्ट्र विश्वविद्यालय ऑफ हेल्थ साइंसेस, नासिक, महाराष्ट्र द्वारा 2006 में अथवा उसके बाद प्रदान की गई हो)।

टिप्पणी :1. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरान्त इसका नवीकरण कराना होगा।

2. मान्यता को उप-खंड 4 की आवश्यकता के अनुसार समय पर नवीकरण में विफल होने के परिणामस्वरूप संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

[सं.यू. 12012/40/2011-एम ई (पी-II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 3rd September, 2012

S.O. 3221.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change in name of affiliating University namely:—

(a) against “Bombay/Mumbai University, Maharashtra” under the heading ‘Recognised Medical Qualification’

[hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Diploma in Child Health" DCH	This shall be a recognised medical qualification when granted by Bombay/Mumbai University, Maharashtra in respect of students being trained at Grant Medical College, Mumbai, Maharashtra from 1996 to 2005.

(b) against "Maharashtra University of Health Sciences, Nashik, Maharashtra" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Diploma in Child Health" DCH	This shall be a recognised medical qualification when granted by Maharashtra University of Health Sciences, Nashik, Maharashtra in respect of students being trained at Grant Medical College, Mumbai, Maharashtra on or after 2006.

Note : 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.

2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U. 12012/40/2011-ME (P-II)]

ANITA TRIPATHI, Under Secy.

परमाणु ऊर्जा विभाग

मुंबई, 15 अक्टूबर, 2012

का.आ. 3222.—केन्द्रीय सरकार परमाणु ऊर्जा विभाग प्रशासनिक नियंत्रणाधीन निम्नलिखित अधीनस्थ कार्यालयों जिनके 80 % से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए), 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा अधिसूचित करती है :

1. इलैक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड, हैदराबाद (मुख्यालय)
2. इलैक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड, बेंगलूरू आंचलिक कार्यालय
3. इलैक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड, चेन्नई आंचलिक कार्यालय

4. इलैक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड, कोलकाता आंचलिक कार्यालय
5. इलैक्ट्रॉनिक्स कारपोरेशन ऑफ इंडिया लिमिटेड, तिरुपति यूनिट कार्यालय
6. हरीशचन्द्र अनुसंधान संस्थान, इलाहाबाद ।

[सं. 6/1/2012-हिन्दी]

डा. सी.बी.एस. वेंकटरमण, अपर सचिव (उद्योग एवं खनिज)

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 15th October, 2012

S.O. 3222.— In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following subordinate offices under the administrative control of the Department of Atomic Energy, whose more than 80% staff have acquired the working knowledge of Hindi :

1. Electronics Corporation of India Ltd. Hyderabad (HQ)
2. Electronics Corporation of India Ltd. Bangalore Zonal office
3. Electronics Corporation of India Ltd. Chennai Zonal office
4. Electronics Corporation of India Ltd. Kolkata Zonal office
5. Electronics Corporation of India Ltd. Tirupati Unit office
6. Harish Chandra Research Institute, Allahabad

[No. 6/1/2012-Hindi]

Dr. C.B.S. VENKATARAMANA, Addl. Secy. (I&M)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 3 अक्टूबर, 2012

का.आ.3223.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 15869: 2008 वस्त्रादि-ओपन बीव नारियल जट्टा भूवस्त्र विशिष्टी	संशोधन संख्या 2 सितम्बर 2012	सितम्बर 2012

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद,

बंगलौर, भोपाल, भुवनेश्वर कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध है।

[संदर्भ: टीएक्सडी/जी-25]

अनिल कुमार, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

**MINISTRY OF CONSUMER AFFAIRS, FOOD
AND PUBLIC DISTRIBUTION**

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 3rd October, 2012

S.O. 3223.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No. of the Indian Standards	Title and Year of amendment	No. and Year of the amendment	Date from which the amendment shall have effect
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(1)	(2)	(3)	(4)
1.	IS 15869:2008 Textiles —Open Weave Coir Bhoovastra-specification	Amendment No. 1 September 2012	September 2012

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TXD/G-25]

ANIL KUMAR, Scientist 'E' & Head (TXD)

नई दिल्ली, 5 अक्टूबर, 2012

का.आ.3224.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक संख्या की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1.	आई.एस 1803:1973 कढ़ई के लिये सूती धागों की विशिष्ट (पहला पुनरीक्षण)	संशोधन संख्या 1 सितम्बर 2012

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ टीएक्सडी/जी-25]

अनिल कुमार, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

New Delhi, the 5th October, 2012

S.O. 3224.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

Sl. No. of the Indian Standards	Title and Year of amendment	No. and Year of the amendment	Date from which the amendment shall have effect
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(1)	(2)	(3)	(4)
1	IS 1803 : 973 Specification for Cotton Embroidery Threads (First Revision)	Amendment No. 1 September 2012	September 2012

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TXD/G-25]

ANIL KUMAR, Scientist 'E' & Head (TXD)

नई दिल्ली, 5 अक्टूबर, 2012

का.आ.3225.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक संख्या की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1.	आई एस 1535:1979 अस्तर के लिये सूती कपड़े की विशिष्ट (पहला पुनरीक्षण)	संशोधन संख्या 2 सितम्बर 2012

3928 GI/12-3

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाहजफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएक्सडी/जी-25]

अनिल कुमार, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

New Delhi, the 5th October, 2012

S.O. 3225.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No. of the Indian Standard	Title and Year	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 1535:1979 Specification for Cotton Lining Cloth (First Revision)	Amendment No. September 2012	2 September 2012

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TXD/G-25]

ANIL KUMAR, Scientist 'E' & Head (TXD)

नई दिल्ली, 8 अक्टूबर, 2012

का.आ.3226.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	आई एस 16072:2012 शुष्क दुग्ध और समान उत्पादों में नमी की मात्रा को ज्ञात करना (सामान्य पद्धति)	-	30 सितम्बर 2012

इन भारतीय मानक(कों) की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चेन्नई, मुम्बई, चण्डीगढ़ तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ एफएडी/जी-128]

डॉ. आर.के. बजाज, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 8th October, 2012

S.O. 3226.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it:

SCHEDULE

Sl. No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any Superseded by the New Indian Standard	Date of Established
1. IS 16072:2012 Determination of moisture content in milk powder and similar products (Routine method)	-	30 September 2012

Copies of the standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. FAD/G-128]

Dr. R.K. Bajaj, Scientist 'F' and Head (Food & Agri.)

नई दिल्ली, 10 अक्टूबर, 2012

का.आ.3227.—भारतीय नामक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृति करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम पता	भारतीय मानक का शीर्षक	भामासं./भाग/खण्ड/वर्ष
1.	3868788	06-09-2012	जय इण्डस्ट्रीज गाला नं 44, गुलशन इस्टेट, सोसायटी मसजिद के सामने, अंधेरी घाटकोपर लिंक रोड, साकिनाका, मुंबई 400072	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक ग्राइन्डर)	भा. मा. 4250 : 1980
2.	3872577	06-09-2012	स्टनवुड एन्टरप्रायजेस प्रा.लि. इ 45, एमआयडीसी सातपुर, नासिक-422007 महाराष्ट्र	ए सी विद्युत तंत्रों के लिए स्वतः ठीक होने वाले 650 वोल्ट की रेटित वोल्टता के संत संधारित्र	भा. मा. 13340 : 1993
3.	3868889	12-09-2012	मॉडर्न प्रोडक्ट्स गाला नं 19, केसकाका कंपाउण्ड, आई.बी. पटेल रोड, गोरेगांव-पूर्व, मुंबई 400063	250 वोल्टता और 16 एम्पीअर्स तक रेटित धारा के प्लग्स और सॉकेट-	भा. मा. 1293 : 2005
4.	3868990	12-09-2012	मॉडर्न प्रोडक्ट्स गाला नं 19, केसकाका कंपाउण्ड, आई.बी. पटेल रोड, गोरेगांव-पूर्व, मुंबई 400063	बेयोनेट लैम्प होल्डर्स	भा. मा. 1258 : 2005
5.	3869083	12-09-2012	मॉडर्न प्रोडक्ट्स गाला नं 19, केसकाका कंपाउण्ड, आई.बी. पटेल रोड, गोरेगांव-पूर्व, मुंबई 400063	घरेलू और समान प्रयोजनों के लिए स्विचें	भा. मा. 3854 : 1997
6.	3871474	20-09-2012	सिस्टेमेटिक स्टील इण्डस्ट्रीज लि. सर्वे सं. 172 पी, कन्नादी पाठक, विलेज नारोली, सिलवासा, जिला दादरा एवं नगर हवेली 396235	जस्तीकृत इस्पात के कोर के लिए इस्पात तार-अतिरिक्त उच्च वोल्टता (400 केवी और अधिक) के लिए प्रबलित एल्युमिनियम चालक,	भा. मा. 398 : भाग 5 : 1992
7.	3871575	21-09-2012	सी. के. इण्डस्ट्रीज गाला नं 1, 2, 3, कोरे संकल्प, गणपतराव चौगुले मार्ग, सावरपाडा, बोरिवली पूर्व मुंबई 400066	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	भा. मा. 4250 : 1980
8.	3873983	28-09-2012	बी. के. इण्डस्ट्रीज जी 8, ओ आय डी सी, उद्योग नगर इण्डस्ट्रीयल इस्टेट, विलेज रिंगनवाडा, दमण, दमण एवं दीव-396210	विद्युत उपकरण घरेलू और समान संस्थापनों हेतु अति धारा संरक्षा के लिए सर्किट ब्रेकर्स, भाग 1-सर्किट ब्रेकर्स, एसी ओपरेशन के लिए	भा. मा. आईसी : 60898-1 : 2002

[सं. केंद्रीय प्रमाणन विभाग/13:11]

ए. एस. जामखंडीकर, वैज्ञानिक 'एफ' एवं प्रमुख (एम डी एम-III)

New Delhi, the 10th October, 2012

S.O. 3227.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule:

SCHEDULE

Sl. No	Licence No	Grant Date	Name and address (Factory) of the party	Product	IS No./Part/Sec year
1	2	3	4	5	6
1.	3868788	06-09-2012	Jai Industries Gala No. 44, Gulshan Estate, Opp. Society Masjid, Andheri Ghatkoper Link Road Sakinaka, Mumbai-400072	Domestic electric food-mixers (liquidizes and grinders)	IS 4250 : 1980

1	2	3	4	5	6
2.	3872577	06-09-2012	Stanwood Enterprises Pvt. Ltd. E-45, MIDC, Satpur Nashik-422007 Maharashtra	Power capacitors of self-healing type for ac power systems having rated Voltage upto 650 V-	IS 13340 : 1993
3.	3868889	12-09-2012	Modern Products Gala No. 19, Kesakaka Compound, I B Patel Road, Goregaon-East Mumbai-400036	Plugs and socket outlets of 250 volts and rated current up to 16 amperes	IS 1293 : 2005
4.	3868990	12-09-2012	Modern Products Mumbai Gala No. 19, Kesakaka Compound, I B Patel Road, Goregaon, East Mumbai-400036	Bayonet lamp holders	IS 1258 : 2005
5.	3869083	12-09-2012	Modern Products Gala No. 19, Kesakaka Compound, I B Patel Road, Goregaon-East Mumbai-400036	Switches for domestic and similar purposes	IS 3854 : 1997
6.	3871474	20-09-2012	Systematic Steel Industries Ltd. Survey No. 172 P, Kannadi Pathak, Vill. Naroli Dadra and Nagar Haveli Silvassa-396235	Aluminium conductors for overhead transmission purposes: part 5 1992 aluminium conductors-galvanized steel reinforced for extra high voltage (400 kv and above)	IS 398 : Part 5 : 1992
7.	3871575	21-09-2012	C K Industries Gala No. 1, 2, 3, Kore Sankalp, Ganpatrao Chougale Marg, Savarpada, Borivali-East, Mumbai-400066	Domestic electric food-mixers (liquidizes and grinders)	IS 4250 : 1980
8.	3873983	28-09-2012	VK Industries G-8, Oide, Udyognagar Indl Estate, Village Ringanwada Daman Daman & Diu-396210	Electrical accessories-circuit breakers for over current protection for household and similar installations, part I-circuit breakers for ac operation	IS-IEC 60898-1 : 2002

[No. CMD/13 : 11]

A. S. JAMKHINDIKAR, Scientist 'F' & Head (MDM-III)

नई दिल्ली, 10 अक्तूबर, 2012

का.आ. 3228.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7059068	विनय इलेक्ट्रीकल 18 ए सिंग इण्डस्ट्रीयल बिल्डिंग नं. 1 राम मन्दिर रोड, गोरेगांव प., मुम्बई-400104	भा मा 371 : 1999 सिलिंग रोजिज	12-9-2012

[सं. केंद्रीय प्रमाणन विभाग/13:13]

ए. एस. जामखिंडीकर, वैज्ञानिक 'एफ' एवं प्रमुख (एम डी एम-III)

New Delhi, the 10th October, 2012

S. O. 3228.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988 the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No.	Name and address of the licensee	Article/process with relevant Indian standard covered by the Licence	Date of cancellation
1.	7059068	Vinay Electrical 18A Singh Industrial Bdg. No. 1 Ram Mandir Road Goregaon (W) Mumbai-400 104	IS 371 : 1999 ceiling roses	12-9-2012

[No. CMD/13 : 13]

A. S. JAMKHINDIKAR, Scientist 'F' & Head (MDM-III)

नई दिल्ली, 10 अक्टूबर, 2012

का.आ.3229.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988, के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक की शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
1.	3847780	02-07-2012	मैसर्स लियो केबल, डी/28, रेवाभाई एस्टेट, ईश्वरकृपा वे ब्रीज के पास, सी टी एम, अहमदाबाद-380026	पी वी सी इंसुलेटिड केबल	694	—	—	1990
2.	3849683	03-07-2012	मैसर्स हिल्टन केबल इंडस्ट्रीज, सी-1/802, फेस-1, जी आई डी सी छत्तराल, गांधीनगर, कलोल-382729	पी वी सी इंसुलेटिड केबल	694	—	—	1990
3.	3848580	04-07-2012	मैसर्स शिवम बिबरेज, एट पोस्ट धंधा, रेलवे क्रासिंग के पास, ईडर रोड, हिम्मतनगर ता, डिस्ट्रिक्ट साबरकांठा-383001	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल (वाटर)	14543	—	—	2004
4.	3848479	05-07-2012	मैसर्स दुर्गा पम्प, 04, श्री राम एस्टेट, नाना चिलोडा, नरोडा, अहमदाबाद-382330	सबमर्सिबल पम्पसेटस	8034	—	—	2002
5.	3848681	06-07-2012	मैसर्स पैसिफिक कैमिकलस, सी-1 बी-3230/1, जी आई डी सी, सारीगांव, डी वलसाद-396155	पोलिएल्यूमिनियम क्लोराइड	15573	—	—	2005
6.	3850163	09-07-2012	मैसर्स श्रीजी इंडस्ट्रीज, 43, 44 ओम टेक्सटाईस पार्क, विभाग-1, एट तथा पी ओ परब, उमभेल, परब रोड, ता कामरेज, सूरत-394325	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर	14543	—	—	2004
7.	3849784	10-07-2012	मैसर्स प्रभुदास ज्वेलर्स, साधना टाकिस लेन, पार्वती चेम्बर्स, मोध पोल चोगन, सुल्तानपुरा, वडोदरा 390001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
8.	3850264	11-07-2012	मैसर्स इकविया बिबरेज, 24-25, महादेव एस्टेट, पार्ट 4, रामोल पुलिस स्टेशन के पीछे, अहमदाबाद-380026	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
9.	3851569	11-07-2012	मैसर्स शक्ति एग्रीकलचर्स इंडस्ट्रीज, सर्वे नंबर 160, पैकी, बी के सिनेमा के पास खेरालू रोड, मेहसाना, विसनगर-384315	पावर ग्रेशर सेफ्टल रिक्वायरमेंट्स	9020	—	—	2002

3928 GI/12-4

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक की शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
10.	3851670	11-07-2012	मैसर्स हिंदुस्तान एग्रो इंडस्ट्रीज, सर्वे नंबर 544, पैकी, गांव सावगड, (धोधा), ता हिममतनगर, साबरकांठ-383001	पावर श्रेणर सेफटल रिक्वायरमेंट्स	9020	—	—	2002
11.	3851771	11-07-2012	मैसर्स नटराज एग्रो इंडस्ट्रीज, जयअंबे जिन के सामने, उमता रोड, विसनगर, मेहसाना-384315	पावर श्रेणर सेफटल रिक्वायरमेंट्स	9020	—	—	2002
12.	3851367	12-07-2012	मैसर्स रूप ज्वैलर्स, प्लॉट 227, भागूनगर को ओ हा सोसाइटी, बराछा रोड, कारंज सूरत-395006	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
13.	3851468	12-07-2012	मैसर्स भगवती, 906/8, जी आई डी सी, पनोली, एट गाँव अंकलेश्वर, एट डि भारूच, अंकलेश्वर-394116	बुडन फलश डोर शटर्स (सालिड कोर टाईप)	2202	1	—	1999
14.	3852369	13-07-2012	मैसर्स संजीवनी एंटरप्राइस, 5-10-11, सिद्धि विनायक एसटेट, प्लॉट नंबर 622/13, ओढव, जी आई डी सी, अहमदाबाद-382415	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
15.	3857278	18-07-2012	मैसर्स एम आर के हैल्थकेयर, क्र संख्या 153/पी, पंच पीपल, गाँव हंसापुर, उंझा पाटन रोड, ता पाटन (उत्तर गुजरात)-384265	सिंगल यूस रबर एक्सामिनेशन गल्वस	15354	—	—	2003
16.	3855880	26-07-2012	मैसर्स अरिहंत डिजाईनर ज्वैलर्स प्रा लिमिटेड, 3, सूर्या काम्पलैक्स, स्वास्तिक क्रास रोड के पास, सी जी रोड, अहमदाबाद-380009	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
17.	3855981	26-07-2012	मैसर्स लाडला ज्वैलर्स प्रा लिमिटेड, बाम्बे शॉपिंग सेंटर, आर सी दत्त रोड, अलकापुरी, वडोदरा-390005	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
18.	3856882	27-07-2012	मैसर्स सेफ हैल्थ केयर, सर्वे नंबर 939-940, ग्राउंड फ्लोर, दीवानजी हाउस, वोहरावाड, लूनावाड, डि पंचमहल-389230	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
19.	3858684	27-07-2012	मैसर्स दीपक इंडस्ट्रीज, 12/3, श्रमजीवी वसाहत एसटेट, राजेन्द्रा पार्क चार रस्ता के पास, एन एच नंबर-8, रंखियाल, अहमदाबाद-380023	पम्पस-रिजैनेरेटिव या क्लीयर, कोल्ड वाटर	8472	—	—	1998
20.	3857076	27-07-2012	मैसर्स श्री व्यास पैकेज डिङ्किंग वाटर, ब्लॉक नंबर 895, एट तथा पोस्ट कापरवाडा, ता गणदेवी, डि नवसारी-396321	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
21.	3856983	30-07-2012	मैसर्स वानटन इंजिनियरिंग प्रा लिमिटेड, 22, बंसीधर एसटेट, वरवाडावास, सेंट्रल वर्कशॉप रोड, न्यू ओढव, अहमदाबाद	पम्पस-रिजैनेरेटिव या क्लीयर, कोल्ड वाटर	8472	—	—	1998
22.	3856680	30-07-2012	श्री रोमा इलैक्ट्रिकलस, 60, रघुवीर एसटेट, रुद्राक्ष काम्पलैक्स के पास, शंकर शॉपिंग सेंटर के सामने, जी आई डी सी, ओढव अहमदाबाद-382415	पी वी सी इसूलेटिड केबल	694	—	—	1990
23.	3856781	30-07-2012	श्री बालाजी ज्वैलर्स नवागाम, स्टेट बैंक के पास, फोर्ट सोनगड, डि वापी-394670	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999

[सं. सी एम डी/13:11]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 10th October, 2012

S.O. 3229.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	3847780	02-07-2012	M/s Leo Cables D/28, Revabhai Estate, Near Ishwarkrupa Weigh Bridge, CTM, Ahmedabad, 380026	PVC Insulated Cables	694	-	-	1990
2.	3849683	03-07-2012	M/s Hilton Cable Industries C-1/802, Phase-I, G.I.D.C. Chhatral, Gandhinagar, Kalol 382729	PVC Insulated Cables	694	-	-	1990
3.	3848580	04-07-2012	M/s Shivam Beverages At Post Dhandha Nr. Railway Crossing, Idar Road, Himatnagar Tal. Dist. Sabarkantha 383001	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
4.	3848479	05-07-2012	M/s Durga Pump 04, Shree Ram Estate, Nana Chiloda Naroda, Ahmedabad 382330	Submersible pumpsets-	8034	-	-	2002
5.	3848681	06-07-2012	M/s Pacific Chemicals C 1B-3230/1, G.I.D.C., Sarigaon, Dist. Valsad, Sarigam 396155	Polyaluminium Chloride	15573	-	-	2005
6.	3850163	09-07-2012	M/s Shreeji Industries 43-44 OM Textile Park, Vibhag-I, At&PO Parab, Umbhel, Parab Road, TA:Kamrej, Dist: Surat-394325	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
7.	3849784	10-07-2012	M/s Prabhudas Jewellers Sadhna Talkies Lane, Parvati Chambers, Modh Pole Chogan, Sultanpura, Vadodara, 390001	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
8.	3850264	11-07-2012	M/s Eqvia Beverages 24-25, Mahadev Estate, Part IV B/H Ramol Police Station, Ahmedabad 380026	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
9.	3851569	11-07-2012	M/s Shakti Agricultural Industries Survey No 160, Paikee, Near B.K. Cinema, Kheralu Road, Mahesana, Visnagar 384315	Power threshers- safety requirements	9020	-	-	2002
10.	3851670	11-07-2012	M/s Hindustan Agro Industries Survey No 544, Paiki Village: Savgad (Dhandha), Tal: Himmatnagar, Sabarkantha 383001	Power threshers-safety requirements	9020	-	-	2002
11.	3851771	11-07-2012	M/s Nataraj Agro Industries Opp. Jayambe Jin, Umta Road, Visnagar. Mahesana-384315	Power threshers-safety requirements	9020	-	-	2002
12.	3851367	12-07-2012	M/s Roop Jewellers Plot-227, Bhagunagar Co.Op. H. Soc., Varachha Road, Karanj, Surat-395006	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
13.	3851468	12-07-2012	M/s Bhagwati 906/8, GIDC Panoli At Village Ankleshwar At District Bharuch, Ankleshwar-394116	Wooden flush door Shutters (solid core type): part 1 plywood face panels	2202	1	-	1999

1	2	3	4	5	6	7	8	9
14.	3852369	13-07-2012	M/s Sanjivane Enterprise 5-10-11, Siddi Vinayak Estate, Plot No 622/13, Odhav G.I.D.C. Ahmedabad-382415	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
15.	3857278	18-07-2012	M/s Mrk Health care S.No. 153/P, Panch Pippal Vill-Hansapur, Unjha-Patan Road, Ta Patan (North Gujrat)-384265	Single-use rubber examination gloves-	15354	-	-	2003
16.	3855880	26-07-2012	M/s Arihant Designer Jewellers Pvt. Ltd 3, Surya Complex, Nr. Swastick Cross Roads, C.G. Road, Ahmedabad-380009	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
17.	3855981	26-07-2012	M/s Ladla Jewellers Private Limited Bombay Shopping Centre, R.C. Dutt Road, Alkapuri, Vadodara-390005	Gold and gold alloys, jewellery/artefacts- fineness and marking-	1417	-	-	1999
18.	3856882	27-07-2012	M/s Safe Health Care Survey No. 939 & 940, Ground Floor, Diwanji House, Vohrawad, Lunawada, At Village- Lunawada, Dist. Panchmahal.-389230	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
19.	3858684	27-07-2012	M/s Deepak Industries 12/3, Shramjivi Vasahat Estate, Near Rajendra Park Char Rasta, N.H. No. 8, Rakhial, Ahmedabad-380023	Pumps-regenerative or clear, cold water-	8472	-	-	1998
20.	3857076	27-07-2012	M/s Shree Vyas Package Drinking Water Block No 895, At & Post Khaparwada, Ta Gandevi, Dist Navsari, 396321	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
21.	3856983	30-07-2012	M/s Wanton Engineering Pvt. Ltd. 22, Bansidhar Estate, Varwadavas, Central Workshop Road, New Odhav. Ahmadabad	Pumps-regenerative or clear, cold water	8472	-	-	1998
22.	3856680	30-07-2012	M/s Roma Electricals 60, Raghuvir Estate, Nr. Rudraksh Complex, opp Shankar Shopping Center, G.I.D.C. Odhav, Ahmedabad-382415	PVC Insulated Cables	694	-	-	1990
23.	3856781	30-07-2012	M/s Shri Balaji Jewellers Navagam, Near State Bank, Fort Songadh, Dist. : Tapi-394670	Gold and gold alloys, jewellery/artefacts- Fineness and marking-	1417	-	-	1999

[No. CMD/13 : 11]

Dr. S. L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 10 अक्टूबर, 2012

का.आ.3230.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3857379	02-08-2012	मैसर्स पलक डिजाइनर डायमंड ज्वैलरी, 201 सनतोक डायमंड, हरीपुरा, गुरजर फालिया, सूरत-395003	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	3857884	02-08-2012	मैसर्स के प्रकाश, 24, एफिल टावर, लांबे, हनुमान रोड, सूरत-395006	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
3.	3861471	03-08-2012	मैसर्स प्रामांट इंजिनियरिंग वर्क्स, प्लॉट नंबर 1002/2, तीसकि रा फेस, जी आई डी सी, वापी, डि वलसाद	एक्सप्लोसिव एटमोसफियर्स पार्ट 1 इक्यूपमेंट प्रोटैक्शन बाय फलेमग्रुफ एनकलोसर्स "डी"	आई एस/ आई ई सी 60079	1	-	2007
4.	3862170	08-08-2012	मैसर्स मारुति बिटुमन प्रा. लिमिटेड, सर्वे नंबर 802, गांव इनड्राड, गायत्री डेरी के पीछे, टॉरेंट फार्मा के सामने, छतराल, ता कडी, डि मेहसाना-382715	बिटुमैन इमलशन फार रोडस (कैटेनिक टाईप)	8887	-	-	2004
5.	3859888	08-08-2012	मैसर्स उत्तम इंडस्ट्रीज, प्लॉट नंबर 5302, फेस-4, वटवा, जी आई डी सी, अहमदाबाद-382445	मोटर्स फार सबमर्सिबल पम्पसेट्स	9283	-	-	1995
6.	3859989	08-08-2012	मैसर्स मारुति पाईप इंडस्ट्रीज, जी आई डी सी, प्लॉट नंबर 15, स्टेट हाइवे नंबर 41, सिद्धपुर (पाटन), गुजरात-384151	अनप्लास्टिसाईज्ड पी वी सी पाईप्स फार पोटेबल वाटर सप्लायस	4985	-	-	2000
7.	3863273	14-08-2012	मैसर्स विकास इंडस्ट्रीज, सी-1/7, 8 सचिन उद्योगनगर, एट तथा पोस्ट वांज, ता चोरासीख डि सूरत-394230	बुडन फलश डोर शटर्स (सालिड कोर टाईप) पार्ट 1 प्लाईवुड फेस पैनलस	2202	1	-	1999
8.	3860368	14-08-2012	मैसर्स मारको इंडस्ट्रीज, 29, हरिओम एस्टेट, जी डी हाई स्कूल रोड, हीरावाडी, नरोड, अहमदाबाद-380025	सबमर्सिबल पम्पसेट्स	8034	-	-	2002
9.	3860570	14-08-2012	मैसर्स मालीनाथ जवैलर्स, 3/664 से 666, 4091 से 4093, पैकी शॉप नंबर 214, पारेख काम्प्लेक्स, कारावा रोड, नवापुरा, सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
10.	3860772	14-08-2012	मैसर्स आरबुदा जवैलर्स, 3,4 स्पान चंदनमाल, डोशाभाई बाग के सामने, रेलवे स्टेशन रोड, विसनगर, मेहसाना-384315	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
11.	3860873	14-08-2012	मैसर्स नर्मदा पम्प इंडस्ट्रीज, बी-47/48, मारुति इंडस्ट्रियल एस्टेट, पार्ट बी, चिजय मिल कम्पाउंड, फायर स्टेशन के सामने, नरोड रोड, अहमदाबाद-380025	सबमर्सिबल पम्पसेट्स	8034	-	-	2002
12.	3861370	14-08-2012	मैसर्स सेफैक्स इल्क्ट्रोमैक प्रा. लिमिटेड, प्लॉट नंबर 7608, फेस 4, जी आई डी सी, वटवा, अहमदाबाद-382445	एक्सप्लोसिव एटमोसफियर्स पार्ट 1 इक्यूपमेंट प्रोटैक्शन बाय फलेमग्रुफ एनकलोसर्स "डी"	आई एस/आई ई सी 60079	1	-	2007
13.	3860671	16-08-2012	मैसर्स मारुति स्पन पाईप, सर्वे नंबर 888-पी/2, बागोदरा, ता धंदुका, अहमदाबाद, बागोदरा-382230	प्रीकास्ट कंक्रीट पाईप (विद तथा विदाउट रेनिफोर्समेंट)	458	-	-	2003
14.	3860469	16-08-2012	मैसर्स विनस सिमेंट पाईप्स, गाँव केडिला, दाबोई बोडेली हाइवे, ता सेनखेडा, वडोदरा, बोडेली-391135	प्रीकास्ट कंक्रीट पाईप (विद तथा विदाउट रेनिफोर्समेंट)	458	-	-	2003
15.	3863980	16-08-2012	मैसर्स यूरो इंडिया फ्रेज फुडस प्रा लिमिटेड, प्लॉट नंबर ए-22/1, चांगोदर, जी आई डी सी, मातपोर, गाँव सूरत-394510	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर)	14543	-	-	2004
16.	3861572	22-08-2012	मैसर्स अविराग इंडस्ट्रीज, बानधनी चोकड़ी, नडियाड, खंभात रोड, बांधनी, ता पेट्लाड, डि आनंद-388410	क्लोरोपाईरीफास इमलसिफाएबल कंसनट्रेट	8944	-	-	1978

1	2	3	4	5	6	7	8	9
17.	3862069	22-08-2012	मैसर्स चिकागो एंटरप्राइस क्राफ्टरी मार्केट, गाँव नरोडा रोड, एट ताल्लुका, अहमदाबाद	पम्पस - रिजैनेरेटिव या क्लीयर, कोल्ड वाटर	8472	-	-	1998
18.	3863576	27-08-2012	मैसर्स हसमुखलाल शंकरलाल सोनी, मानडवी बाजार, लुनावाडा, डि पंचमहल-389230	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
19.	3863677	27-08-2012	मैसर्स के पी संघवी ज्वैल्स प्रा लिमिटेड, प्लॉट नंबर 298, जेनिथ मिल के पास, वास्ता देवडी रोड, कट्टरगाम, सूरत-395004	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
20.	3863778	27-08-2012	मैसर्स मानकी ज्वैल्स, प्लॉट नंबर 13, हरिकृष्णा सोसाइटी, नाना वाराछ, सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
21.	3863879	27-08-2012	मैसर्स गणपति ज्वैल्स, 9, श्रीजी पैलेस, रवि पार्क सोसाइटी, पूनागाम रोड, मागोब, सूरत-395010	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
22.	3869891	27-08-2012	मैसर्स विमल फायर कंट्रोलर्स प्रा. लिमिटेड, ए 1-851/1-बी, जी आई डी सी, मकरपुरा इंडस्ट्रियल एसटेट, पी ओ बाक्स नंबर 784, वडोदरा-390010	फायर होस डिलीवरी कपलिंग्स, ब्रांच पाईप, नोजल तथा नोजल स्पेनर	903	-	-	1993
23.	3863374	28-08-2012	मैसर्स शिवम बिबरेज, प्लॉट नंबर 6, शिवम हाऊस, आशिर्वाद होटल के पीछे, लाम्भा टर्निंग, नारोल, अहमदाबाद-382405	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर)	14543	-	-	2004
24.	3863475	28-08-2012	मैसर्स कुदन ज्वैल्स, 108, सुवर्णकला, पंजाबी हॉल के सामने, नवरंगपुरा, अहमदाबाद-380009	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
25.	3870371	28-08-2012	मैसर्स श्री हरेकृष्णा इंडस्ट्रीज, 53, 67 यमुनानगर, भोमई माता मंदिर के पास, अंजना फार्म, सूरत-395010	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर)	14545	-	-	2004
26.	3864073	28-08-2012	मैसर्स हिना ज्वैल्स, 30/ए, बी/737, जलारामनगर, गुज हाउसिंग बोर्ड, पानदिसारा, सूरत-394221	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
27.	3864174	28-08-2012	मैसर्स श्रीनाथजी कृपा ज्वैल्स, गांधी चौक, चोकसी बाजार, एट तथा पोस्ट पादरा, डि. बडोदा 391440	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
28.	3865984	30-08-2012	मैसर्स राईकान एक्वा प्योर वाटर, सर्वे नंबर 1025, पेठापुरा, गांधीनगर	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर)	14543	-	-	2004
29.	3868182	30-08-2012	मैसर्स बडोदा को ओपरेटिव प्रोड्यूसर्स यूनियन लिमिटेड, मकरपुरा रोड, बडोदा-390009	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर)	14543	-	-	2004
30.	3866178	31-08-2012	मैसर्स भूमि बिबरेज, ब्लाक नंबर 701, चौदवाना, एट गाँव चौदवाना, एट. डि. दोहाद,-389159	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर)	14543	-	-	2004
31.	3866279	31-08-2012	मैसर्स महिन्द्रा, 80, 80/1, शंकर एसटेट, सूरलिया रोड, सी टी एम, अहमदाबाद-380026	पी वी सी इंस्कुलेटिड केबल	694	-	-	1990

[सं. सी एम डी/13:11]

डॉ. एस.एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 10th October, 2012

S.O. 3230.— In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the party	Title of the Standard	IS No.	Part	Sec	Year
1.	3857379	02-08-2012	M/s. Palak Designer Diamond Jewellery 201 Santok Diamond, Haripura, Gurjar Faliya- Surat-395003	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
2.	3857884	02-08-2012	M/s. K- Prakash 24, Effiel Tower, Lambe Hanuman Road, Surat-395006	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
3.	3861471	03-08-2012	M/s. Prompt Engineering Works Plot No- 1002/2, 3rd Phase, GIDC, Vapi, Dist. : Valsad	Explosive atmospheres part 1 equipment protection by flameproof enclosures "d"	IS/IEC 60079	1	-	2007
4.	3862170	08-08-2012	M/s. Maruti Bitumen Pvt. Ltd Survey No- 802, Village-Indrad, B/H Gayatri Dairy, Opp. Torrent Pharma, Chhatral, Taluka-Kadi Dist Mehsana 382715	Bitumen emulsion for roads (catinic type)	8887	-	-	2004
5.	3859888	08-08-2012	M/s. Uttam Industries Plot No- 5302, Phase-4, Vatva GIDC, Ahmadabad 382445	Motors for submersible pumpsets	9283	-	-	1995
6.	3859989	08-08-2012	M/s. Maruti Pipe Industries G.I.D.C. Plot No. 15, State Highway No- 41, Siddhpur (Patan) Gujarat-3814151	Unplasticized PVC pipes for potable water supplies	4985	-	-	2000
7.	3863273	14-08-2012	M/s. Vikas Industries C-1/7, 8 Sachin Udhyanagar, At & Post Vanz Tal Chorasi Dist Surat 394230	Wooden flush door shutters (solid core type): part 1 plywood face panels	2202	1	-	1999
8.	3860368	14-08-2012	M/s Marco Industries 29, Hariom Estate, G.D. High School Road, Hirawadi, Naroda, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002
9.	3860570	14-08-2012	M/s Mallinath Jewellers 3/664 to 666, 4091 to 4093, Paiky Shop No- 214, Parekh Complex, Karava Road, Navapura, Surat	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
10.	3860772	14-08-2012	M/s. Arbuda Jewellers 3, 4 Span Chandan Mall, Opp.Doshabhai Baug, Railway Station Road, Visnagar, Mehsana-384315	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
11.	3860873	14-08-2012	M/s. Narmada Pump Industries B-47/48, Maruti Indu. Estate, Part-B, Vijay Mill Compound, Opp. Fire Station Naroda Road, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002
12.	3861370	14-08-2012	M/s. Safex Electromech Pvt. Ltd Plot No- 7608, Phase-IV, GIDC, Vatva, Ahmedabad-382445	Explosive atmospheres part 1 equipment protection by flameproof enclosures "d"	IS/IEC 60079	1	-	2007
13.	3860671	16-08-2012	M/s. Maruti Spun Pipe Survey No. 888-P/2, Bagodara Ta Dhandhuka, Ahmedabad Bagodara-382230	Precast concrete pipes (with and without reinforcement)	458	-	-	2003
14.	3860469	16-08-2012	M/s. Venus Cement Pipes Village Kadila, Dabhoi Bodeli Highway, Tal Senkheda Vadodara Bodeli-391135	Precast concrete pipes (with and without reinforcement)	458	-	-	2003

1	2	3	4	5	6	7	8	9
15.	3863980	16-08-2012	M/s. Euro India Fresh Foods Pvt Ltd Plot No- A-22/1, Ichchhapur G.I.D.C. Bhatpor, Village Surat-394510	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
16.	3861572	22-08-2012	M/s. Avirag Industries Bandhani Chowkdi, Nadiad Khambhat Road, Bandhani, Taluka Petlad, Dist Anand-388410	Chlorphyrifos emulsifiable concentrates		8944	-	1978
17.	3862069	22-08-2012	M/s. Chicago Enterprise Crockeri Market, Village : Naroda Road, At Taluka: Ahmedabad City	Pumps-regenerative or clear, cold water	8472	-	-	1008
18.	3863576	27-08-2012	M/s. Hasmukhlal Shankerlal Soni Mandvi Bazar, Lunawada, Dist Panchmahal-389230	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
19.	3863677	27-08-2012	M/s. K.P. Sanghvi Jewels Private Limited, Plot No. 298, Near Zenith Mill, Vasta Devdi Road, Katargam, Surat-395004	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
20.	3863778	27-08-2012	M/s. Manki Jewels, Plot No. 13, Harikrushna Society, Nana Varachha, Surat	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
21.	3863879	27-08-2012	M/s. Ganpati Jewellers 9, Shreeji Palace, Ravi Park Society, Punagam Road, Magob, Surat-395010	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
22.	3869891	27-08-2012	M/s. Vimal Fire Controls Pvt Ltd A1-851/1-B, GIDC, Makarpara Industrial Estate, P.O. Box No- 784, Vadodara-390010	Fire hose delivery couplings, branch pipe, nozzles and nozzle spanner	903	-	-	1993
23.	3863374	28-08-2012	M/s. Shivam Beverages Plot No. 6, Shivam House, Behind Ashirwad Hotel, Lambha Turning, Narol, Ahmedabad-382405	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
24.	3863475	28-08-2012	M/s. Kundan Jewellers 108, Suvarnkala, Opp. Panjabi Hall, Navrangpura, Ahmedabad-380009	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
25.	3870371	28-08-2012	M/s. Shree Harekrishna Industries 53, 67/Yamuna Nagar, Near Momai Mata Mandir, Anjna Farm, Surat-395010	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
26.	3864073	28-08-2012	M/s. Hina Jewellers 30/A, B/737, Jalaramnagar, Guj Housing Board, Pandesara, Surat-394221	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
27.	3864174	28-08-2012	M/s. Shreenathji Krupa Jewellers Gandhi Chowk, Choksi Bazar, At & Post Padra, Dist Baroda-391440	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	-	-	1999
28.	3865984	30-08-2012	M/s. Ricon Aqua Pure Water Survey No. 1025, Pethapur, Gandhinagar	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
29.	3868182	30-08-2012	M/s. Baroda Co. Operative Producers Union Ltd, Makarpura Road, Baroda-390009	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
30.	3866178	31-08-2012	M/s. Bhumi Beverages, Block No. 701, Chandwana, At Village : Chandwana, Ta: Dist: Dohad-389159	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
31.	3866279	31-08-2012	M/s. Mahindra 80, 80/I, Shankar Estate, Surelia Road, CTM, Ahmedabad-380026	PVC Insulated Cables	694	-	-	1990

[No. CMD/13:11]

Dr. S.L. PALKAR, Scientist 'F' & Head

नई दिल्ली 10 अक्टूबर, 2012

का.आ.3231.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम संबद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	3674573	मैसर्स फिलिप्स इलेक्ट्रॉनिक्स इंडिया लिमिटेड, भिलाड लघु औद्योगिक सहकारी मंडल लिमिटेड, प्लॉट नंबर 5, सारिगाम रोड, टिटलवाला हास्पिटल के पास, भिलाड, ता अंबरगाम, भिलाड, वलसाद-396105	डायग्नोस्टिक मैडिकल एक्स रे इक्विपमेंट— पार्ट 1 जनरल तथा सेफ्टी रिक्वायरमेंट्स आई एस 7620 : पार्ट 1 : 1986	08-08-2012
2.	7302354	मैसर्स स्टार गोल्ड सिमेंट इंडस्ट्रीज, गांव चिखोदरा, गोधरा, डिस्ट्रिक्ट पंचमहल-389001	43 ग्रेड आडिनरी पोर्टलैंड सिमेंट्स आई एस 8112 : 1989	27-08-2012
3.	7535377	मैसर्स स्टार गोल्ड सिमेंट इंडस्ट्रीज, गांव चिखोदरा, गोधरा, डिस्ट्रिक्ट पंचमहल-389001	53 ग्रेड आडिनरी पोर्टलैंड सिमेंट आई एस 12269 : 1987	27-08-2012
4.	7657593	मैसर्स सुपर स्टार इंडस्ट्रीज, चिखोदरा, गोधरा, डिस्ट्रिक्ट पंचमहल-389001	पोर्टलैंड पोझोलाना सिमेंट पार्ट 1 फ्लाय बेसड आई एस 1489 : पार्ट 1 : 1991	27-08-2012

[सं. सी एम डी/13 : 13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 10th October, 2012

S.O. 3231.— In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	3674573	M/s. Philips Electronics India Limited, Bhilad Laghu Audhyogic Sahakari Mandal Ltd., Plot No. 5, Sarigama Road, Near Titalwala Hospital, Bhilad Tal Umbergam, Bhilad, Distt. : Valsad-396105	Diagnostic Medical X-ray equipment Part 1 : general and safety requirements IS 7620 : Part 1 : 1986	08-08-2012
2.	7302354	M/s. Star Gold Cement Industries Village Chikhodra, Tal-Godhra, Distt. : Panchamahar-389001	43 grade ordinary Portland cement IS 8112 : 1989	27-08-2012
3.	7535377	M/s. Star Gold Cement Industries Village Chikhodra, Tal-Godhra, Distt. : Panchamahar-389001	53 grade ordinary Portland cement IS 12269 : 1987	27-08-2012
4.	7657593	M/s. Super Star Industries, Chikhodra, Tal-Godhra, Distt. : Panchamahar-389001	Portland Pozzolana Cement Part 1 Flyash based IS 1489 : Part 1 : 1991	27-08-2012

[No. CMD/13:13]

Dr. S.L. PALKAR, Scientist 'F' & Head

3928 GI/12-6

नई दिल्ली, 10 अक्टूबर, 2012

New Delhi, the 10th October, 2012

का.आ.3232.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद् द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 10852 : 2012 स्पंज लौहा प्रत्यक्ष अपचयित लौहा (डी आर आई) एवं तप्त इष्टिकाकृत लौहे (एच बी आई) का भंडारण एवं परिवहन के लिए मार्गदर्शी सिद्धांत (पहला पुनरीक्षण)	आई एस 10852 : 1984	30-09-2012

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ एमटीडी 30/टी-2]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

S.O. 3232.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particular of which are given in the Schedule here to annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standards if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 10852 : 2012 Storage and transportation of sponge iron, direct reduced (DRI) and hot briquetted iron (HBI)—Guidelines (first revision)	IS 10852 : 1984	30-09-2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, KolKatta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 30/T-2]

P. GHOSH, Scientist 'F' & Head (MTD)

नई दिल्ली, 10 अक्टूबर, 2012

का.आ. 3233.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा.मा. संख्या	भाग	अनुभाग	वर्ष
1	2	3	4	5	6	7	8	9
1.	3862574	24-8-2012	मैसर्स सूर्या न्यूट्रीशनल प्रोडक्ट्स (इंडिया) प्रा. लि., गट सं. 208 (पुराना 437) आगर, तालुका शिरोल, जिला कोल्हापुर, महाराष्ट्र	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
2.	3845675	28-8-2012	मैसर्स सॉफ्टवेयर ग्रिप पावर सॉल्यूशंस भूतल प्लॉट 57/8, सेक्टर 10, पीसीएनटीडीए, भोसरी, जिला पुणे, महाराष्ट्र-411026	एसी स्थैतिक घंटा मीटर्स, श्रेणी 1 और 2—विशिष्ट	13779			1999

1	2	3	4	5	6	7	8	9
3.	3864881	31-8-2012	मेसर्स प्रगति इरीगेशन टेक्नोलॉजीज प्रा. लि. गट नं. 16/4, प्लॉट नं. 9, प्रगति नगर, बीएसएनएल कार्यालय के पास, एमआईडीसी कुपवाड के पास, कुपवाड, तालुका मिरज, जिला सांगली, महाराष्ट्र-416436	सिंचाई उपस्कर- इमीटर्स-विशिष्ट	13487			1992
4.	3867887	10-9-2012	मेसर्स समृद्धि फूड एंड बेवरेजेज गट सं. 147/1ए2 पटकुल तालुका मोहोल, जिला सोलापुर, महाराष्ट्र-413213	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
5.	3869790	13-9-2012	मेसर्स श्री अम्बिका इस्पात प्लाट नं. जी-32, जी-32/1 एमआईडीसी जिला अहमदनगर, महाराष्ट्र-414111	कांक्र्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तारें	1786			2008
6.	3839781	11-9-2012	मेसर्स अथर्व एंटरप्राइजेज सं. नं. 1028 ए/पी कोरेगांव मूल तालुका हवेली, जिला पुणे, महाराष्ट्र-412202	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
7.	3829879	17-9-2012	मेसर्स चैतन्य एग्रो फूड्स एंड बेवरेजेज गट सं. 20 राजापुर, तालुका भोर, जिला पुणे, महाराष्ट्र	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
8.	3872779	17-9-2012	मेसर्स वैष्णो देवी फूड्स, प्रॉडक्ट्स, प्रा. लि. सर्वे नं. 35 बाभलगांव, तालुका तुलजापुर, जिला उस्मानाबाद, महाराष्ट्र	मलाई निकाला हुआ दूध पावडर-विशिष्ट-भाग 1 : मानक श्रेणी	13334	01		1998

[सं. सीएमडी/13:11]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 10th October, 2012

S.O. 3233.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following scheduled

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Section	Year
1	2	3	4	5	6	7	8	9
1	3862574	24-8-2012	M/s Surya Nutritional Products (India) Pvt. Ltd. Gat No. 208 (Old 437) Agar Taluka Shirol District Kolhapur Maharashtra	Packaged drinking water (other than packaged mineral water)	14543			2004

1	2	3	4	5	6	7	8	9
2.	3845675	28-8-2012	M/s Softgrip Power Solutions Ground Floor Plot 57/8 Sector 10 PCNTDA Bhosari District Pune Maharashtra-411026	ac Static Watthour Meters, Class I and 2 Specification	13779			1999
3.	3864881	31-8-2012	M/s Pragati Irrigation Technologies Pvt. Ltd. Gat No. 16/4, Plot No. 9 Pragati Nagar Near BSNL Office Near MIDC Kupwad Kupwad Taluka Miraj District Sangli Maharashtra-416436	Irrigation Equipment - Emitters - specification	13487			1992
4.	3867887	10-9-2012	M/s Samruddhi Food & Beverages Gat No. 147/1A2 Patkul Taluka Mohol District Solapur Maharashtra-413213	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
5.	3869790	13-9-2012	M/s Shree Ambika Ispat Plot No. G-32, G-32/1 MIDC District Ahmednagar Maharashtra-414111	High Strength Deformed Steel Bars And Wires For concrete Reinforcement	1786			2008
6.	3839781	11-9-2012	M/s Atharva Enterprises S.No. 1028 A/P Koregaon Mul Taluka Haveli District Pune Maharashtra-412202	Packaged Drinking Water (Other Than Packaged Natural Mineral Water)	14543			2004
7.	3829879	17-9-2012	M/s Chaitanya Agro Foods & Beverages Gat No. 20 Rajapur Taluka Bhore District Pune Maharashtra	Pachaged Drinking Water (other Than Packaged Natural Mineral Water)	14543			2004
8.	3872779	17-9-2012	M/s Vaishno Devi Food Products Pvt. Ltd. Survey No. 35 Babhalgaon Taluka Tuljapur Disrrict Osmananbad Maharashtra	Skimmed Milk Powder- Specification - Part 1 : Standards Grade	13334	01		1998

[No. CMD/ 13 :11]

B.M. HANEEF, Scientist 'F' and Head

नई दिल्ली, 12 अक्टूबर, 2012

का.आ.3234.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानकों का विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानकों अधिकांश मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15042 (भाग 3) : 2011/आई एस ओ 9564-3 : 2003 बैंकिंग - व्यक्तिगत पहचान नम्बर (पिन) प्रबंधन एवं सुरक्षा- भाग 3 एटीएम और पी ओ एस पद्धतियों में आफलाइन पिन रख-रखाव की अपेक्षाएं		31 दिसम्बर, 2011
2.	आई एस/आई एस ओ /टीएस 20022-3: 2004 वित्तीय सेवाएं - सार्वभौमिक वित्तीय उद्योग संदेश योजना - भाग 3 आई एस ओ 20022 माडलिंग के दिशा-निर्देश		29 फरवरी, 2012
3.	आई एस/आई एस ओ /टीएस 20022-5: 2004 वित्तीय सेवाएं - सार्वभौमिक वित्तीय उद्योग संदेश योजना - भाग 5 आई एस ओ 20022 उत्कम इंजीनियरिंग		29 फरवरी, 2012
4.	आई एस/आई एस ओ 20022-1: 2004 वित्तीय सेवाएं-सार्वभौमिक वित्तीय उद्योग - संदेश योजना - भाग 1 आई एस ओ 20022 रिपोर्टिंग से इनपुट और आउटपुट के लिए समग्र प्रणाली और प्रारूप की विशिष्टि		31, मार्च, 2012
5.	आई एस/आई एस ओ 13616-1: 2007 - वित्तीय सेवाएं अंतर्राष्ट्रीय बैंक खाता संख्या (आई बी ए एन) - भाग 1 आई बी ए एन की संरचना		31 अगस्त, 2012
6.	आई एस/आई एस ओ 13616-2: 2007 वित्तीय सेवाएं - अंतर्राष्ट्रीय बैंक खाता संख्या (आई बी ए एन) - भाग 2 पंजीकरण प्राधिकारी की भूमिका एवं जिम्मेदारियां		31 अगस्त, 2012
7.	आई एस/आई एस ओ 21188: 2006 वित्तीय सेवाएं के लिए सार्वजनिक कुंजी ढांचा - रीतियां एवं नीतिगत आधार		30, सितम्बर 2012

इन मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली - 110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ एम एस डी/जी-8 अधिसूचना]

निर्मल कुमार पाल, वैज्ञानिक 'एफ' एवं प्रमुख (प्रबंध एवं तंत्र विभाग)

New Delhi, the 12th October, 2012

S.O. 3234.—In pursuance of clause (b) of sub-rule (1) of rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed has been established on the date indicated against each :

2988 9712-7

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date Established or Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15042 (part 3): 2011 ISO 9564-3:2003 Banking - Personal Identification Number (PIN) management and security—Part 3: Requirements for offline PIN handling in ATM and POS systems	-	31 December, 2012
2.	IS/ISO/TS 20022-3: 2004 Financial Services - Universal Financial Industry message scheme: Part 3 ISO 20022 guidelines	-	29 February, 2012
3.	IS/ISO/TS 20022-5: 2004 Financial Services Universal Financial Industry message scheme: Part 5 ISO 20022 Reverse engineering	-	29 February, 2012
4.	IS/ISO/20022-1: 2004 Financial Services - Universal Financial Industry message Scheme : Part I Overall methodology and format specifications for inputs to and output from the ISO 20022 Repository	-	31 March, 2012
5.	IS/ISO 13616-1: 2007 Financial Services - International Bank Account Number (IBAN)-Part 1: Structure of the IBAN	-	31 August, 2012
6.	IS/ISO 13616-2: 2007 Financial Services - International Bank Account Number (IBAN) - Part 2: Role and responsibilities of the Registration Authority	-	31 August, 2012
7.	IS/ISO 21188: 2006 Public Key Infrastructure for financial services- Practices and Policy Framework	-	30 September, 2012

Copies of the above Standards are available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bengaluru, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Jaipur, Kanpur, Nagpur, Patna, Pune and Thirubananthapuram.

[Ref. MSD/G-8 Notification]

NIRMAL KUMAR PAL, Scientist 'F' & Head (Management & Systems Department)

नई दिल्ली, 15 अक्टूबर, 2012

का.आ. 3235.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उप-विनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है :—

अनुसूची

भारतीय मानक संख्या	भाग	अनु वर्ष	उत्पाद	इकाई	न्यूनतम बड्डे पैमाने पर	मुहरांकन शुल्क छोटे पैमाने पर	इकाई दर स्लैब 1 (रु.)	स्लैब-1 इकाई में इकाईयां (रु.)	इकाई दर स्लैब-2 इकाई में इकाईयां (रु.)	स्लैब-2 इकाई में इकाईयां (रु.)	स्लैब-3 इकाई में इकाईयां (रु.)	प्रचालन तिथि
15627	-	-	2005 स्वचालित वाहन - दो तीन पहिया मोटर वाहनों के लिए हवा भरे टायर्स	एक टायर	2,31,000	1,96,000	0.50	100000	0.35	1000000	0.15	शेष 26-09-2012
15633	-	-	2005 स्वचालित वाहन कार वाहनों के लिए हवा भरे टायर्स - डायगोनल और रेडियल प्लाई	एक टायर	2,46,000	2,09,000	2.00	100000	1.50	1000000	1.35	शेष 26-09-2012
15636	-	-	2005 स्वचालित वाहन - व्यावसायिक वाहनों के लिए हवा भरे टायर्स - डायगोनल और रेडियल प्लाई	एक टायर	2,30,000	1,95,000	2.00	100000	1.50	100000	1.35	शेष 26-09-2012

[सं. सीएमडी-1/13:10]

पी. के. गम्भीर, वैज्ञानिक 'जी' एवं प्रधान (प्रमाणन मुहर)

New Delhi, the 15th October, 2012

S. O. 3235.—In pursuance of sub-regulation (3) of Regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule :

SCHEDULE

IS No.	Part	Sec	Year	Product	Units	Minimum Marking Fee		Unit Rate in Slab-1	Units in Slab-1	Unit Rate in Slab-2	Units in Slab-2	Unit Rate in Slab-3	Units in Slab-3	Effective Date
						Large Scale	Small Scale	(Rs.)		(Rs.)		(Rs.)		
15627	-	-	2005	Automotive vehicles - pneumatic tyres for two and three-wheeled motor vehicles -	one Tyre	2,31,000	1,96,000	0.50	100000	0.35	100000	0.15	Remain-	26-09-12
													ing	
15633	-	-	2005	Automotive Vehicles - pneumatic tyres for passenger car vehicles - diagonal and radial ply -	One Tyre	2,46,000	2,09,000	2.00	100000	1.50	100000	1.35	Remain-	26-09-12
													ing	
15636	-	-	2005	Automotive vehicles - pneumatic tyres for commercial vehicles - diagonal and radial ply	One Tyre	2,30,000	1,95,000	2.00	100000	1.50	100000	1.35	Remain-	26-09-12
													ing	

[No. CMD-1/13:10]

P. K. GAMBHIR, Scientist 'G' & Chief (Certification)

नई दिल्ली, 15 अक्टूबर, 2012

का.आ. 3236.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उप-विनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है :—

अनुसूची

भारतीय मानक संख्या	भाग	अनु.	वर्ष	उत्पाद	इकाई	न्यूनतम मुहरांकन शुल्क		इकाई दर स्लैब 1	स्लैब में इकाईयां	शेष	प्रचालन तिथि
						बड़े पैमाने पर	छोटे पैमाने पर	(रुप)			
5206	-	-	1983	स्टेनलेस स्टील और ऐसे ही समान उच्च मिश्रित धातु इस्पात के मैनुअल आर्क वेल्डिंग के लिए ढके हुए इलेक्ट्रोड	एक टन	1,05,000	89,000	.60	सभी	-	24-08-12
14439	2	-	1998	विधि माप विज्ञान - गैस आयतन मापी मीटर भाग-2 डायफ्राम गैस मापी	एक गैस मीटर	97,000	83,000	0.50	सभी	-	24-08-12
15911	-	-	-	संरचनात्मक इस्पात (साधारण गुणवत्ता)	एक टन	48,000	41,000	3.50	सभी	-	24-08-12

[सं. सीएमडी-1/13:10]

पी. के. गम्भीर, वैज्ञानिक 'जी' एवं प्रधान (प्रमाणन मुहर)

New Delhi, the 15th October, 2012

S.O. 3236.—In pursuance of sub-regulation (3) of Regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the products given in the schedule :

SCHEDULE

IS No.	Part	Sec	Year	Product	Units	Minimum Marking Fee		Unit Rate	Units in Slab - 1	Remaining Slab 1	Effective Date
						Large Scale	Small Scale				
5206	-	-	1983	Covered Electrodes for Manual Arc Welding of Stainless Steel and Other similar High Alloy Steel	One Tonne	Rs. 1,05,000	Rs. 89,000	Rs. 60	All	-	24-08-12
14439	2	-	1998	Legal Metrology-Gas Volume Meters-Part 3 Rotary Piston and Turbine Gas Meters	One Gas Meter	Rs. 97,000	Rs. 83,000	Rs. 0.50	All	-	24-08-12
15911	-	-	-	Structural Steel (Ordinary Quality)	One Tonne	Rs. 48,000	Rs. 41,000	Rs. 3.50	All	-	24-08-12

[No. CMD-1/13:10]

P. K. GAMBHIR, Scientist 'G' & Chief (Certification)

नई दिल्ली, 16 अक्टूबर, 2012

का.आ. 3237.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे रद्द कर दिए गए हैं और वापस ले लिये गये हैं :

अनुसूची

क्रम संख्या	रद्द किये गये मानक (कों) की संख्या, वर्ष और शीर्षक	भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) में का. आ. संख्या और तिथि प्रकाशित	टिप्पणी
1	2	3	4
1.	आई एस 4427:1967 तेल की पिसाई एवं खाने के इस्तेमाल के लिए मूंगफली की गुठली का श्रेणीकरण	का.आ. संख्या-2036 तिथि 08-06-1968	मानक अप्रचलित हो गया है
2.	आई एस 4428:1967 तेल की पिसाई के लिए सरसों के बीज का श्रेणीकरण	का.आ. संख्या-1720 तिथि 18-05-1968	मानक अप्रचलित हो गया है
3.	आई एस 4429:1967 तेल की पिसाई के लिए तिल के बीज का श्रेणीकरण	का.आ. संख्या-1720 तिथि 18-05-1968	मानक अप्रचलित हो गया है
4.	आई एस 4617:1968 तेल की पिसाई के लिए अलसी के बीज का श्रेणीकरण	का.आ. संख्या-3152 तिथि 14-09-1968	मानक अप्रचलित हो गया है
5.	आई एस 4618:1968 तेल की पिसाई के लिए अरंडी के बीज का श्रेणीकरण	का.आ. संख्या-3453 तिथि 28-09-1968	मानक अप्रचलित हो गया है
6.	आई एस 4619:1968 तेल की पिसाई के लिए महुआ की गुठली का श्रेणीकरण	का.आ. संख्या-3152 तिथि 14-09-1968	मानक अप्रचलित हो गया है
7.	आई एस 4620:1968 तेल की पिसाई के लिए बिनौला का श्रेणीकरण	का.आ. संख्या-3152 तिथि 14-09-1968	मानक अप्रचलित हो गया है

1	2	3	4
8.	आई एस 5292:1969 तेल की पिसाई के लिए कुसुम्भा के बीज का श्रेणीकरण	का.आ. संख्या-0436 तिथि 07-02-1970	मानक अप्रचलित हो गया है
9.	आई एस 5293:1969 तेल की पिसाई के लिए नाइजर के बीज का श्रेणीकरण	का.आ. संख्या-0436 तिथि 07-02-1970	मानक अप्रचलित हो गया है
10.	आई एस 5294:1969 तेल की पिसाई के लिए कुसुम के बीज का श्रेणीकरण	का.आ. संख्या-0436 तिथि 07-02-1970	मानक अप्रचलित हो गया है
11.	आई एस 6220:1971 भक्ष्य एवं तेल की पिसाई के लिए खोपरा का श्रेणीकरण	का.आ. संख्या-0120 तिथि 13-01-1973	मानक अप्रचलित हो गया है
12.	आई एस 7787:1975 तेल की पिसाई के लिए नीम गुठली और बिना गुद्दा वाला नीम के बीज का श्रेणीकरण	का.आ. संख्या-2239 तिथि 05-08-1978	मानक अप्रचलित हो गया है
13.	आई एस 7797:1975 तेल की पिसाई के लिए सोयाबीन का श्रेणीकरण	का.आ. संख्या-2240 तिथि 05-08-1978	मानक अप्रचलित हो गया है
14.	आई एस 7798:1975 तेल की पिसाई के लिए सूरजमुखी के बीज का श्रेणीकरण	का.आ. संख्या-2240 तिथि 05-08-1978	मानक अप्रचलित हो गया है
15.	आई एस 8428:1977 तेल की पिसाई के लिए करंजा के बीज का श्रेणीकरण	का.आ. संख्या-0619 तिथि 15-03-1980	मानक अप्रचलित हो गया है
16.	आई एस 8443:1977 तेल की पिसाई के लिए तंबाकू के बीज का श्रेणीकरण	का.आ. संख्या-0619 तिथि-15-03-1980	मानक अप्रचलित हो गया है
17.	आई एस 8557:1977 तेल की पिसाई के लिए कोकम की गुठली का श्रेणीकरण	का.आ. संख्या-0619 तिथि- 15-03-1980	मानक अप्रचलित हो गया है
18.	आई एस 8882:1978 तेल की पिसाई के लिए खाकन के बीज का श्रेणीकरण	का.आ. संख्या-2064 तिथि-01-08-1981	मानक अप्रचलित हो गया है
19.	आई एस 9993:1981 तेल की पिसाई के लिए धूपा की गुठली का श्रेणीकरण	का.आ. संख्या-2148 तिथि 18-05-1985	मानक अप्रचलित हो गया है
20.	आई एस 10006:1981 तेल की पिसाई के लिए नाहर गुठली का श्रेणीकरण	का.आ. संख्या-2148 तिथि 18-05-1985	मानक अप्रचलित हो गया है

[संदर्भ एफएडी/जी-128]

3928 47/12-8

डॉ. आर. के. बजाज, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 16th October, 2012

S.O. 3237.— In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, it is, hereby notified that the Indian Standards, particulars of which are mentioned in the Schedule hereafter, have been cancelled and stand withdrawn :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Cancelled	S.O. No. & Date published in the Gazette India, Part II, Section 3, Sub-section (ii)	Date of Established
1	2	3	4
1.	IS 4427: 1967 Grading for groundnut kernels for oil milling and for table use	S.O. No. 2036 Dated: 08-06-1968	The Standard has become obsolete
2.	IS 4428: 1967 Grading for mustard seeds for oil milling	S.O. No. 1720 Dated: 18-05-1968	The Standard has become obsolete
3.	IS 4429: 1967 Grading for sesame seeds for oil milling	S.O. No. 1720 Dated: 18-05-1968	The Standard has become obsolete
4.	IS 4617: 1968 Grading for linseed for oil milling	S.O. No. 3152 Dated: 14-09-1968	The Standard has become obsolete
5.	IS 4618: 1968 Grading for castor seeds for oil milling	S.O. No. 3453 Dated: 28-09-1968	The Standard has become obsolete
6.	IS 4619: 1968 Grading for MAHUA kernels for oil milling	S.O. No. 3152 Dated: 14-09-1968	The Standard has become obsolete
7.	IS 4620: 1968 Grading for cotton seeds for oil milling	S.O. No. 3152 Dated: 14-09-1968	The Standard has become obsolete
8.	IS 5292: 1969 Grading for safflower seeds for oil milling	S.O. No. 0436 Dated: 07-02-1970	The Standard has become obsolete
9.	IS 5293: 1969 Grading for niger seeds for oil milling	S.O. No. 0436 Dated: 07-02-1970	The Standard has become obsolete
10.	IS 5294: 1969 Grading for KUSUM seeds for oil milling	S.O. No. 0436 Dated: 07-02-1970	The Standard has become obsolete
11.	IS 6220: 1971 Grading of copra for table use and for oil milling	S.O. No. 0120 Dated: 13-01-1973	The Standard has become obsolete
12.	IS 7787: 1975 Grading for NEEM kernel and depulped NEEM seeds for oil milling	S.O. No. 2239 Dated: 05-08-1978	The Standard has become obsolete
13.	IS 7797: 1975 Grading for soyabeans for oil milling	S.O. No. 2240 Dated: 05-08-1978	The Standard has become obsolete
14.	IS 7798: 1975 Grading for sunflower seeds for oil milling	S.O. No. 2240 Dated: 05-08-1978	The Standard has become obsolete
15.	IS 8428: 1977 Grading for KARANJA seeds for oil milling	S.O. No. 0619 Dated: 15-03-1980	The Standard has become obsolete

1	2	3	4
16.	IS 8443: 1977 Grading for tobacco seeds for oil milling	S.O. No. 0619 Dated: 15-03-1980	The Standard has become obsolete
17.	IS 8557: 1977 Grading for KOKUM kernels for oil milling	S.O. No. 0619 Dated: 15-03-1980	The Standard has become obsolete
18.	IS 8882: 1978 Grading for Khakan seeds for oil milling	S.O. No. 2064 Dated: 01-08-1981	The Standard has become obsolete
19.	IS 9993: 1981 Grading for DHUPA kernels for oil milling	S.O. No. 2148 Dated: 18-05-1985	The Standard has become obsolete
20.	IS 10006: 1981 Grading for NAHOR kernels for oil milling	S.O. No. 2148 Dated: 18-05-1985	The Standard has become obsolete

[Ref. FAD/G-128]

Dr. R.K. BAJAJ, Scientist 'F' and Head (Food & Agri.)

कोयला मंत्रालय

नई दिल्ली, 16 अक्टूबर, 2012

का.आ. 3238.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन भारत सरकार के कोयला मंत्रालय द्वारा जारी की गई अधिसूचना संख्या का.आ. 750 तारीख 23 फरवरी, 2012 जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 25 फरवरी, 2012 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 22.895 हेक्टर (लगभग) या 56.57 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में निहित उक्त भूमि में कोयला अभिप्राप्य है;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 22.814 हेक्टर (लगभग) या 56.37 एकड़ (लगभग) माप की उक्त भूमि का अर्जन करने के अपने आशय की सूचना देती है:

टिप्पण 1: इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/सीजीएम(पीएलजी)/भूमि/431 तारीख 16 जून, 2012 का निरीक्षण कलेक्टर, जिला-शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स, लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है जिसके निम्नलिखित उपबंध हैं :—

अर्जन के संबंध में आपत्तियां:

“8(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 (1)

के अधीन अधिसूचना जारी की गई है हितबद्ध है, अधिसूचना के जारी किए जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण:—

(1) इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन, प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त, जांच, यदि कोई हो, करने के पश्चात्, जो वह आवश्यक समझजा है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़े या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होगा, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक 1, काउंसिल हाऊस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम के अधीन भारत के राजपत्र, भाग II, उपखंड (ii) तारीख 4 मार्च, 1987 में प्रकाशित अधिसूचना संख्या का.आ. 905, तारीख 20 मार्च, 1987 उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

नवगांव भूमिगत खान ब्लॉक, सोहागपुर क्षेत्र

जिला-शहडोल (मध्य प्रदेश)

(रेखांक संख्या-एसईसीएल/बीएसपी/सीजीएम(पीएलजी)/भूमि/431 तारीख 16 जून, 2012

भू-सतह अधिकार:

1. ब्लॉक-1:

(क) राजस्व भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	खन्नाथ	99	171	सोहागपुर	शहडोल	6.912	भाग
कुल:- 6.912 हेक्टर (लगभग) या 17.08 एकड़ (लगभग)							

2. ब्लॉक-2:

(क) राजस्व भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	खन्नाथ	99	171	सोहागपुर	शहडोल	6.902	भाग
कुल:- 15.902 हेक्टर (लगभग) या 39.29 एकड़ (लगभग)							

महा योग (ब्लॉक 1 + 2): 6.912 15.902 22.814 हेक्टर (लगभग) या 56.37 एकड़ (लगभग)

1. ग्राम खन्नाथ (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:-1285, 1287 से 1290, 1292, ये 1303, 1312 से 1314, 1540, 1550 से 1558, 1560 से 1577, 1579 से 1588, 1589 (भाग), 1591, 1592, 1598 से 1603, 1609 से 1612।

सीमा वर्णन:

ब्लॉक-1:

क-ख रेखा ग्राम खन्नाथ में बिन्दु "क" से आरंभ होती है और प्लॉट संख्या 1285 के दक्षिणी, 1285, 1303, 1301, 1312, 1313, 1314 के पश्चिमी सीमा से होती हुई बिन्दु "ख" पर मिलती है।

ख-ग रेखा ग्राम खन्नाथ के प्लॉट संख्या 1314, 1300, 1299, 1298, 1297 के उत्तरी सीमा 1293, 1292 के पश्चिमी सीमा से होती हुई बिन्दु "ग" पर मिलती है।

ग-घ रेखा ग्राम खन्नाथ के प्लॉट संख्या 1292 के उत्तरी सीमा से गुजरती हुई बिन्दु "घ" पर मिलती है।

घ-क रेखा ग्राम खन्नाथ के प्लॉट संख्या 1292, 1290 के पूर्वी, 1289, 1988, 1287 के दक्षिणी, 1285 के पूर्वी सीमा से गुजरती हुई आरंभिक बिन्दु "क" पर मिलती है।

ब्लॉक-2:

क-1-ख-1 रेखा ग्राम खन्नाथ में बिन्दु "क-1" से आरंभ होती है और प्लॉट संख्या 1581, 1612, 1609, 1603 के दक्षिणी सीमा से होती हुई बिन्दु "ख-1" पर मिलती है।

ख-1-ग-1 रेखा ग्राम खन्नाथ के प्लॉट संख्या 1603, 1601, 1600, 1599, 1598 के पश्चिमी, 1588, 1592, 1591 के दक्षिणी सीमा से होती हुई बिन्दु "ग-1" पर मिलती है।

ग-1-घ-1 रेखा ग्राम खन्नाथ के प्लॉट संख्या 1591 के पूर्वी और उत्तरी, 1589 से होकर, 1560, 1558, 1540 के पूर्वी और उत्तरी सीमा से होती हुई बिन्दु "घ-1" पर मिलती है।

घ-1-ड-1 रेखा ग्राम खन्नाथ के प्लॉट संख्या 1540, 1552, 1551, 1550 के उत्तरी सीमा से गुजरती हुई बिन्दु "ड-1" पर मिलती है।

ड-1-च-1 रेखा ग्राम खन्नाथ के प्लॉट संख्या 1550, 1554, 1555, 1571, 1572, 1573, 1574, 1576, 1577 के पूर्वी सीमा से गुजरती हुई बिन्दु "च-1" पर मिलती है।

च-1-क-1 रेखा ग्राम खन्नाथ के प्लॉट संख्या 1577, 1579 के दक्षिणी, 1581 के पूर्वी सीमा से होती हुई आरंभिक बिन्दु "क-1" पर मिलती है।

[फा.सं. 43015/09/2011-पीआरआईडब्ल्यू-1]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

New Delhi, the 16th October, 2012

S.O. 3238.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 750 dated the 23rd February, 2012 issued under sub-section (1) of Section 4 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957) hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 25th February, 2012, the Central Government gave notice of its intention to prospect for coal in 22.895 hectares (approximately) or 56.57 acres (approximately) of the lands in the locality specified in the schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 22.814 hectares (approximately) or 56.37 acres (approximately) as Surface Rights in or over the said lands described in the schedule appended hereto:

Note 1: The plan bearing number SECL/BSP/CGM (PLG)/LAND/ 431 dated the 16th June, 2012 of the area covered by this notification may be inspected at the office of the Collector, Shahdol (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh)

Note 2: Attention is hereby invited to the provisions of Section 8 of the said Act which provided as follows:—

Objection to Acquisition :

“8(1) Any person interested in any land in respect of which a notification under section 7(1) has been issued,

may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of land or any rights in or over such land.

Explanation :—

(1) It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under Sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under Sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3: The Coal Controller, 1, Council House Street, Kolkata-700001, has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 905, dated the 20th March, 1987, published in part-II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th April, 1987.

SCHEDULE**Navagaon UG Mine Block, Sohagpur Area****District-Shahdol, Madhya Pradesh**

[Plan bearing number SECL/BSP/CGM(PLG)/LAND/431 dated the 16th June, 2012]

Surface Rights :

I. Block—I :

A. Revenue Land:

Sl.	Name of village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
I.	Khannath	99	171	Sohagpur	Shahdol	6.912	Part

Total:—6.912 hectares (approximately) or 17.08 acres (approximately)

3928 27/12-9

2. Block—2:

A. Revenue Land:

Sl.	Name of Village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
1.	Khannath	99	171	Sohagpur	Shahdol	15.902	Part

Total:—15.902 hectares (approximately) or 39.29 hectares (approximately)

Grand Total (Block 1+2):—6.912+15.902=22.814 hectares (approximately) or 56.37 acres (approximately)

1. Plot Numbers to be acquired in village Khannath (Part):—1285, 1287 to 1290, 1292 to 1303, 1312 to 1314, 1540, 1550 to 1558, 1560 to 1577, 1579 to 1588, 1589(P), 1591, 1592, 1598 to 1603, 1609 to 1612.

Boundary Description:

Block—1:

- A-B Line starts from point 'A' in village Khannath and passes along southern boundary of plot number 1285, western boundary of plot number 1285, 1303, 1301, 1312, 1313, 1314 and meets at point 'B'.
- B-C Line passes in village Khannath along northern boundary of plot number 1314, 1300, 1299, 1298, 1297, western boundary of plot number 1293, 1292 and meets at point 'C'.
- C-D Line passes in village Khannath along northern boundary of plot number 1292 and meets at point 'D'.
- D-A Line passes in village Khannath along eastern boundary of plot number 1292, 1290, southern boundary of plot number 1289, 1288, 1287, eastern boundary of plot number 1285 and meets at starting point 'A'.

Block—2:

- A-1-B-1 Line starts from point 'A-1' in village Khannath and passes along southern boundary of plot number 1581, 1612, 1609, 1603 and meets at point 'B-1'.
- B-1-C-1 Line passes in village Khannath along western boundary of plot number 1603, 1601, 1600, 1599, 1598, southern boundary of plot number 1588, 1592, 1591 and meets at point 'C-1'.
- C-1-D-1 Line passes in village Khannath along eastern and northern boundary of plot number 1591, through 1589, eastern and northern boundary of plot number 1560, 1558, 1540 and meets at point 'D-1'.
- D-1-E-1 Line passes in village Khannath along northern boundary of plot number 1540, 1552, 1551, 1550 and meets at point 'E-1'.

E-1-F-1 Line passes in village Khannath along eastern boundary of plot number 1550, 1554, 1555, 1571, 1572, 1573, 1574, 1576, 1577 and meets at point 'F-1'.

F-1-A-1 Line passes in village Khannath along southern boundary of plot number 1577, 1579, eastern boundary of plot number 1581 and meets at starting point 'A-1'.

[F.No. 43015/09/2011-PRIW-I]

A.K. DAS, Under Secy.

नई दिल्ली, 16 अक्टूबर, 2012

का.आ. 3239.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 3470 तारीख 21 नवम्बर, 2011 जो भारत के राजपत्र भाग II खंड 3, उपखंड (ii) तारीख 3 दिसम्बर, 2011 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट 137.65 हेक्टर (लगभग) या 340.13 एकड़ (लगभग) माप वाली भूमि और उस पर के भू-सतह अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार को पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और छत्तीसगढ़ सरकार से पुनः परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 137.65 हेक्टर (लगभग) या 340.13 एकड़ (लगभग) माप वाली भूमि में या उस पर के भू-सतह अधिकार अर्जित किए जाने चाहिए;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 137.650 हेक्टर (लगभग) या 340.13 एकड़ (लगभग) माप वाली भूमि में या उस पर के भू-सतह अधिकार अर्जित किए जाते हैं;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/जीएम(पीएलजी)/भूमि/426 तारीख 24 अप्रैल, 2012 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर - 495 006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

अनुसूची

सैंधोपारा-1 ब्लाक (कल्याणी यूजी परियोजना), भटगांव क्षेत्र,
जिला - सरगुजा (छत्तीसगढ़)

भू-सतह अधिकार:

(क) राजस्व भूमि:

क्रम सं०	ग्राम का नाम	पटवारी हल्का नम्बर	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	बंसीपुर	17	44	प्रतापपुर	सरगुजा	71.28	भाग
2.	जरही	17	20	प्रतापपुर	सरगुजा	21.73	भाग

कुल : 93.01 हेक्टर (लगभग) या 229.83 एकड़ (लगभग)

(ख) राजस्व वन भूमि (सीजेजे/बीजेजे):

क्रम सं०	ग्राम का नाम	पटवारी हल्का नम्बर	ग्राम संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	बंसीपुर	17	44	प्रतापपुर	सरगुजा	18.00	भाग
2.	जरही	17	20	प्रतापपुर	सरगुजा	15.27	भाग

कुल : 33.27 हेक्टर (लगभग) या 82.21 एकड़ (लगभग)

(ग) आरक्षित वन भूमि:

क्रम संख्या	कम्पार्टमेंट संख्या	उप संभाग	संभाग	क्षेत्र हेक्टर में	टिप्पणी
1.	1683(पी)	सुरजपुर	दक्षिण सरगुजा	11.37	भाग

कुल : 11.37 हेक्टर (लगभग) या 28.09 एकड़ (लगभग)

कुल योग (क + ख + ग) = 137.65 हेक्टर (लगभग)

या 340.13 एकड़ (लगभग)

1. ग्राम बंसीपुर (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:-180 से 182, 214, 215, 285 से 288, 293, 298 से 302, 306 से 311, 312(भाग), 313, 332 से 368, 369(भाग), 370 से 373, 374(भाग), 375(भाग), 376(भाग), 377(भाग), 378 से 394, 395(भाग), 396 से 432, 433(भाग), 434 से 441, 442(भाग), 443, 444(भाग), 445(भाग), 453(भाग), 454 से 462, 463(भाग), 464(भाग), 465(भाग), 466, 467, 468(भाग), 474(भाग), 475(भाग), 476(भाग), 477(भाग), 478 से 482, 483(भाग), 484(भाग), 487(भाग), 488, 489(भाग), 490(भाग), 491(भाग), 492 से 521, 523(भाग), 524(भाग), 525 से 563, 564(भाग), 565(भाग), 566 से 584, 585(भाग), 586(भाग), 600 से 606, 607(भाग), 608, 609, 610(भाग), 611 से 613, 614(भाग), 615(भाग), 616(भाग), 643, 644(भाग), 645(भाग), 646 से 660, 661(भाग), 786(भाग), 787(भाग), 788(भाग), 789 से 795, 796(भाग), 797, 798(भाग), 799(भाग), 800(भाग), 801(भाग), 802(भाग), 803, 809(भाग), 812(भाग)।

2. ग्राम जरही (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:-646 से 648, 650(भाग), 652(भाग), 653, 654(भाग), 655 से 666, 668 से 694, 695(भाग), 696 से 711, 712(भाग), 713(भाग), 714(भाग), 715(भाग), 716(भाग), 718(भाग), 719(भाग), 720(भाग), 1161(भाग), 1162(भाग), 1163(भाग), 1164, 1165, 1166(भाग), 1167(भाग)।

सीमा वर्णन:

क-ख-ग रेखा ग्राम बंसीपुर में बिन्दु 'क' से आरंभ होती है और प्लॉट संख्या 812, 809, 795, 796, 798, 799, 800, 801, 802, 803, 565, 564/2, बिन्दु 'ख', 564 से होती हुई ग्राम जरही में प्रवेश करती है और प्लॉट संख्या 1167, 1166, 1163, 1162 से होती हुई बिन्दु 'ग' पर मिलती है।

ग-घ-ङ रेखा ग्राम जरही के प्लॉट संख्या 1161, 695, 720, 719, 718, 716, 715, 714 बिन्दु 'घ', 713, 712, 654, आरक्षित वन के कम्पार्टमेंट संख्या 1683 से गुजरती हुई बिन्दु 'ङ' पर मिलती है।

- उ-च-छ रेखा ग्राम जरही के प्लॉट संख्या 648 के उत्तरी सीमा, 650, 652 और आरक्षित वन के कम्पार्टमेंट संख्या 1683 से होती हुई ग्राम बंसीपुर में प्रवेश करती है और प्लॉट संख्या 180, 182, 343, 344, 214, 215, बिन्दु 'च' से गुजरती हुई बिन्दु 'छ' पर मिलती है।
- छ-ज-झ-ञ रेखा ग्राम बंसीपुर के प्लॉट संख्या 215, 335, 334, 333, 332, 369, 374, 375, 376, 377, बिन्दु 'ज', 313, 314, 312, 306, 305, बिन्दु 'झ', 307, 302, 298, 293, 288 से गुजरती हुई बिन्दु 'ज' पर मिलती है।
- ञ-ट-ठ रेखा ग्राम बंसीपुर के प्लॉट संख्या 288, 286, 285, 433, बिन्दु 'ट', 435, 434, 444, 445, 444, 453, 463, 464, 465, 468, 477, 474 से गुजरती हुई बिन्दु 'ठ' पर मिलती है।
- ठ-ड-ढ रेखा ग्राम बंसीपुर के प्लॉट संख्या 474, 475, 476, 483, 484, 487, बिन्दु 'ड', 490, 491, 614, 615, 616, 610, 607, 601, 600 और 521, 520 के दक्षिण सीमा फिर 523, 524 से गुजरती हुई बिन्दु 'ढ' पर मिलती है।
- ढ-क रेखा ग्राम बंसीपुर के प्लॉट संख्या 526, 527 के पूर्वी सीमा, 523, 586, 585, 644, 645, 661, 786, 787, 788, 809, 812 से गुजरती हुई आरंभिक बिन्दु 'क' पर मिलती है।

[फा.सं. 43015/18/2010-पीआरआईडब्ल्यू-1]

ए. के. दास, अवर सचिव

New Delhi, the 16th October, 2012

S.O. 3239.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 3470 dated the 21st November, 2011 issued under sub-

section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 3rd December, 2011 the Central Government gave notice of its intention to acquire the land measuring 137.65 hectares (approximately) or 340.13 acres (Approximately) as surface rights in or over such lands specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government.

And whereas, the Central Government after considering the aforesaid report and after consulting the Government of Chhattishgarh, is satisfied that the lands measuring 137.65 hectares (approximately) or 340.13 acres (Approximately) as surface rights in or over such lands as described in schedule appended hereto, should be acquired;

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that the land measuring 137.650 hectares (approximately) or 340.13 acres (approximately) as Surface rights in or over such lands as described in Schedule are hereby acquired;

The plan bearing number SECL/BSP/GM(PLG)/LAND/426 dated the 24th April, 2012 of the area covered by this notification may be inspected in the Office of the Collector, Surguja (Chhattishgarh) or in the office of the Coal Controller, 1, Council House Street, Kolkata—700001 or in the Office of the South Eastern Coalfield Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattishgarh).

SCHEDULE

Sendhopara-I Block (Kalyani UG Project), Bhatgaon Area,

District—Surguja (Chhattishgarh).

[Plan bearing number SECL/BSP/GM(PLG)/LAND/426 dated the 24th April, 2012]

Surface Rights :

A. Revenue Land :

Sl. No.	Name of village	Patwari halka number	Village number	Tahsil	District	Area in hectares	Remarks
1.	Bansipur	17	44	Pratappur	Surguja	71.28	Part
2.	Jarhi	17	20	Pratappur	Surguja	21.73	Part

Total: - 93.01 hectares (approximately) or 229.83 acres (approximately)

B. Revenue Forest Land (CJJ/BJJ):

Sl. No.	Name of village	Patwari halka number	Village number	Tahsil	District	Area in hectares	Remarks
1.	Bansipur	17	44	Pratappur	Surguja	18.00	Part
2.	Jarhi	17	20	Pratappur	Surguja	15.27	Part

Total:- 33.27 hectares (approximately) or 82.21 acres (approximately)

C. Reserve Forest Land:

Sl. number	Compartment number	Sub Division	Division	Area in hectares	Remarks
1.	1683(P)	Surajpur	South Surguja	11.37	Part

Total:- 11.37 hectares (approximately) or 28.09 acres (approximately)

Grand Total (A+B+C)= 137.65 hectares (approximately)
or 340.13 acres (approximately)

1. Plot number to be acquired in village Bansipur (Part):
180 to 182, 214, 215, 285 to 288, 293, 298 to 302, 306 to 311, 312(P), 313, 332 to 368, 369(P), 370 to 373, 374(P), 375(P), 376(P), 377(P), 378 to 394, 395(P), 396 to 432, 433(P), 434 to 441, 442(P), 443, 444(P), 445(P), 453(P), 454 to 462, 463(P), 464(P), 465(P), 466, 467, 468(P), 474(P), 475(P), 476(P), 477(P), 478 to 482, 483(P), 484(P), 487(P), 488, 489(P), 490(P), 491(P), 492 to 521, 523(P), 524(P), 525 to 563, 564(P), 565(P), 566 to 584, 585(P), 586(P), 600 to 606, 607(P), 608, 609, 610(P), 611 to 613, 614(P), 615(P), 616(P), 643, 644(P), 645(P), 646 to 660, 661(P), 786(P), 787(P), 788(P), 789 to 795, 796(P), 797, 798(P), 799(P), 800(P), 801(P), 802(P), 803(P), 809(P), 812(P).

2. Plot numbers to be acquired in village Jarhi (Part):
646 to 648, 650(P), 652(P), 653, 654(P), 655 to 666, 668 to 694, 695(P), 696 to 711, 712(P), 713(P), 714(P), 715(P), 716(P), 718(P), 719(P), 720(P), 1161(P), 1162(P), 1163(P), 1164, 1165, 1166(P), 1167(P).

Boundary Description:

A-B-C Line starts from point 'A' in village Bansipur and passes through plot number 812, 809, 795, 796, 798, 799, 800, 801, 802, 803, 565, 564/2, point 'B', 564 then enter in village Jarhi and passes through plot number 1167, 1166, 1163, 1162 and meets at point 'C'.

C-D-E Line passes in village Jarhi through plot number 1161, 695, 720, 719, 718, 716, 715, 714, point 'D', 713, 712, 654, Reserve Forest Compartment no. 1683 and meets at point 'E'.

E-F-G Line passes in village Jarhi along northern boundary of plot number 648, through 650, 652, Reserve Forest Compartment no. 1683 then enter in village Bansipur and passes

through plot number 180, 182, 343, 344, 214, 215, point 'F' and meets at point 'G'.

G-H-I-J Line passes in village Bansipur through plot number 215, 335, 334, 333, 332, 369, 374, 375, 376, 377, point 'H', 313, 314, 312, 306, 305, point 'I', 307, 302, 298, 293, 288 and meets at point 'J'.

J-K-L Line passes in village Bansipur through plot number 288, 286, 285, 433, point 'K', 435, 434, 444, 445, 444, 453, 463, 464, 465, 468, 477, 474 and meets at point 'L'.

L-M-N Line passes in village Bansipur through plot number 474, 475, 476, 483, 484, 487, point 'M', 490, 491, 614, 615, 616, 610, 607, 601, 600 along southern boundary of plot number 521, 520, through 523, 524 and meets at point 'N'.

N-A Line passes in village Bansipur along eastern boundary of plot number 526, 527, through 523, 586, 585, 644, 645, 661, 786, 787, 788, 809, 812 and meets at starting point 'A'.

[F.No. 43015/18/2010-PRIW-I]

A. K. DAS, Under Secy.

नई दिल्ली 17 अक्टूबर, 2012

का.आ. 3240.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि से कोयला अभिप्राप्त किये जाने की संभावना है।

और, उक्त अनुसूची में वर्णित भूमि के अन्तर्गत आने वाले क्षेत्र के ब्यौरे रेखांक संख्या राजस्व/05/2012, तारीख 25 जुलाई, 2012 का निरीक्षण महाप्रबंधक (भूमि और राजस्व), दरभंगा हाउस, सेंट्रल कोलफील्ड्स लिमिटेड, रांची, या महाप्रबंधक, अरागड़ा क्षेत्र, या उपायुक्त,

3928 27/10

रामगढ़, झारखंड, मुख्य महाप्रबंधक (खोज प्रभाग), केन्द्रीय खान आयोजन एवं डिजाइन इन्स्टीट्यूट लिमिटेड, गोंदवाना पैलेस, कॉक रोड, रांची-834 001 (झारखंड), या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001 के कार्यालय में किया जा सकता है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति—

- संपूर्ण भूमि या उसके किसी भाग के अर्जन या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के अर्जन के प्रति आक्षेप कर सकेगा; या
- भूमि में के किसी हित के प्रतिकर या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का दावा कर सकेगा; या
- प्रभावहीन हो गई पूर्वेक्षण अनुज्ञप्तियों, खनन पट्टों के अधीन अर्जित किये जाने पर अधिकारों के लिये प्रतिकर प्राप्त कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट भूमि के कोरों से संग्रहण या अन्य खनिज नमूनों तथा उनके सम्यक् विश्लेषण को तथा किसी अन्य सुसंगत अभिलेख या सामग्रियों की निर्मित से संबंधित सभी मानचित्र चार्ट और अन्य दस्तावेज परिदत्त कर सकेगा,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, महाप्रबंधक (भूमि और राजस्व), दरभंगा हाउस, सेंट्रल कोलफील्ड्स लिमिटेड, रांची-834 001 (झारखंड), या महाप्रबंधक, अरगड़ा क्षेत्र, जिला-रामगढ़ झारखंड को भेजेंगे।

अनुसूची

अरगड़ा खुली खदान परियोजना

जिला-रामगढ़, झारखंड

(रेखांक संख्या राजस्व/05/2012, तारीख 25 जुलाई, 2012)

सभी अधिकार:

क्रमांक	मौजा	थाना	थाना संख्या	जिला	क्षेत्र एकड़ में (लगभग)	टिप्पणियां
1.	हेसला	मांडू	138	रामगढ़	110.00	भाग
2.	मनुआ	मांडू	139	रामगढ़	34.00	भाग
3.	चपरी	मांडू	140	रामगढ़	330.00	भाग
4.	कंजगी	मांडू	141	रामगढ़	103.00	भाग

कुल: 577.00 एकड़ (लगभग)

या 233.60 हेक्टेयर (लगभग)

सीमा का वर्णन:

- क-ख-ग-घ-ङ: रेखा बिन्दु 'क' से आरंभ होकर चपरी ग्राम एवं ग्राम अरगड़ा, चपरी, अरगड़ा, हेसला की सम्मिलित सीमा से चलकर गुजरती है और बिन्दु 'ङ' पर मिलती है।
- ङ-च-छ-ज-झ: रेखा हेसला, मनुआ, चपरी से होकर गुजरती है एवं बिन्दु 'झ' पर मिलती है।
- झ-ञ-ट-क: रेखा ग्राम मनुआ से होकर गुजरती है एवं मनुआ, फुलसारी एवं कंजगी की सम्मिलित सीमा से चलकर गुजरती है और आरंभिक बिन्दु 'क' पर मिलती है।

[फा.सं. 43015/14/2012-पीआरआईडब्ल्यू-1]

ए. के. दास, अवर सचिव

New Delhi, the 17th October, 2012

S.O. 3240.—Whereas, it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule annexed hereto;

And, whereas, the plan bearing number Rev/05/2012, dated the 25th July, 2012 containing the areas of lands described in the Schedule may be inspected at the office of the General Manager (Land and Revenue), Darbhanga House, Central Coalfields Limited, Ranchi or General Manager, Argada Area or Deputy Commissioner, Ramgarh, Jharkhand or at the office of the Chief General Manager (Exploration Division), Central Mine Planning Design Institute, Gondwana Palace, Kanke Road, Ranchi-834 001 (Jharkhand) or at the office of the Coal Controller, 1, Council House Street Kolkata-700 001;

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said Schedule;

Any persons interested in the land described in the said Schedule may, —

- object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or
- claim an interest in compensation if the land or any rights in or over such land, or
- seek compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due

analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act, to the office of the General Manager (Land and Revenue), Darbhanga House, Central Coalfields Limited, Ranchi-834 001 (Jharkhand) or General Manager, Argada Area, District-Ramgarh, Jharkhand within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

ARGADA OPENCAST PROJECT

DISTRICT-RAMGARH, JHARKHAND

(Plan bearing number Rev/05/2012, dated the 25th July, 2012)

ALL RIGHTS:

Sl. No.	Village	Thana	Thana Number	District	Area in acres (approximately)	Remarks
1	Hesla	Mandu	138	Ramgarh	110.00	Part
2	Manuan	Mandu	139	Ramgarh	34.00	Part
3	Chapri	Mandu	140	Ramgarh	330.00	Part
4	Kanjgi	Mandu	141	Ramgarh	103.00	Part

Total: 577.00 acres (approximately)
or 233.60 hectares (approximately)

BOUNDARY DESCRIPTION:

- A-B-C-D-E: Line start from 'A' and passes through in village Chapri and Common boundary of village Argada Chapri, Argada Hesla and meets at point 'E'.
- E-F-G-H-I: Line passes through in village Hesla, Manuan, chapri and meets at point I.

I-J-K-A: Line passes through in village Manuan with common boundary of Manuan and phulsarai, Phulsarai and Kanjgi and meets at starting point 'A'.

[F.No. 43015/14/2012-PRIW-I]

A.K. DAS, Under Secy.

नई दिल्ली, 19 अक्टूबर, 2012

का. आ. 3241.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 808 तारीख 23 फरवरी, 2012 जो भारत के राजपत्र भाग II, खण्ड 3, उप-खंड (ii) तारीख 3 मार्च, 2012 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की 327.862 हेक्टेयर (लगभग) या 810.14 एकड़ (लगभग) भूमि और उस पर के भू-सतह अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 327.862 हेक्टेयर (लगभग) या 810.14 एकड़ (लगभग) माप वाली भूमि के भू-सतह अधिकार अर्जित किए जाने चाहिए।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 327.862 हेक्टेयर (लगभग) या 810.14 एकड़ (लगभग) माप वाली भूमि के भू-सतह अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/सीजीएम(पीएलजी)/भूमि/428 तारीख 4 जून, 2012 का निरीक्षण कलेक्टर, शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

अनुसूची

दामनी भूमिगत खान ब्लाक, सोहागपुर क्षेत्र

जिला-शहडोल (मध्य प्रदेश)

(रेखांक संख्या-एसईसीएल/बीएसपी/सीजीएम(पीएलजी)/भूमि/428 तारीख 4 जून, 2012)

भू-सतह अधिकार:

1. ब्लाक-1:

(क) राजस्व भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणी
1.	खैरहा	93	203	सोहागपुर	शहडोल	82.395	भाग
2.	कन्दोहा	93	67	सोहागपुर	शहडोल	28.365	भाग

कुल:-110.760 हेक्टेयर (लगभग) या 273.69 एकड़ (लगभग)

(ख) राजस्व वन भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणी
1.	खैरहा	93	203	सोहागपुर	शहडोल	0.182	भाग

कुल:- 0.182 हेक्टेयर (लगभग) या 0.45 एकड़ (लगभग)

उप-जोड़ : 110.942 हेक्टेयर (लगभग) या 274.14 एकड़ (लगभग)

2. ब्लाक-2:

(क) राजस्व भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणी
1.	कन्दोहा	93	67	सोहागपुर	शहडोल	184.145	भाग
2.	धमनीकला	95	469	सोहागपुर	शहडोल	8.015	भाग
3.	धमनीखुर्द	95	468	सोहागपुर	शहडोल	8.448	भाग

कुल:- 200.608 हेक्टेयर (लगभग) या 495.70 एकड़ (लगभग)

(ख) राजस्व वन भूमि:

क्रम सं.	ग्राम का नाम	पटवारी हल्का नम्बर	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणी
1.	कन्दोहा	93	67	सोहागपुर	शहडोल	12.901	भाग
2.	धमनीखुर्द	95	468	सोहागपुर	शहडोल	3.411	भाग

कुल:- 16.312 हेक्टेयर (लगभग) या 40.30 एकड़ (लगभग)

उप-जोड़: 216.920 हेक्टेयर (लगभग) या 536.00 एकड़ (लगभग)

कुल राजस्व भूमि: 110.760 + 200.608 = 311.368 हेक्टेयर (लगभग) या 769.39 एकड़ (लगभग)

कुल राजस्व वन भूमि: 0.182 + 16.312 = 16.494 हेक्टेयर (लगभग) या 40.75 एकड़ (लगभग)

महा योग (ब्लाक 1+2): 311.368 + 16.494 = 327.862 हेक्टेयर (लगभग) या 810.14 एकड़ (लगभग)

1. ग्राम खैरहा (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:— 55(भाग), 215(भाग), 216, 217, 240, 241(भाग), 243(भाग), 244 से 268, 269(भाग), 270(भाग), 271(भाग), 299(भाग), 303(भाग), 304(भाग), 316 से 326, 327(भाग), 328 से 339ए 340(भाग), 341(भाग), 342 से 352, 353(भाग), 354(भाग), 355(भाग), 356(भाग), 357(भाग), 398(भाग), 441(भाग), 442, 443(भाग), 446 से 468, 469(भाग), 470(भाग), 472(भाग), 473(भाग), 474, 475(भाग), 476 से 506, 507(भाग), 508 से 519, 1129, 1130(भाग)।

2. ग्राम कन्दोहा (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:— 7(भाग), 8 से 18, 19(भाग), 20(भाग), 21(भाग), 22, 23, 24(भाग), 26(भाग), 27 से 32, 33(भाग) से 40(भाग), 41 से 103, 104(भाग), 105(भाग), 106, 107(भाग), 108 से 115, 116(भाग), 117(भाग), 118(भाग), 128(भाग), 129/1(भाग), 129/2, 30, 132(भाग), 133, 143 से 148, 151 से 194, 216(भाग), 217(भाग), 218(भाग), 222(भाग), 283 से 310, 311(भाग), 312, 320(भाग), 324(भाग), 325 से 331, 334(भाग), 335 से 347,

348/1, 348/2(भाग), 349, 350, 351(भाग), 373(भाग) से 377(भाग), 378 से 380, 381(भाग), 382(भाग), 387(भाग), 388/1, 388/2(भाग), 389, 390, 391/3 से 391/8, 391/12 से 391/14, 392(भाग), 393(भाग), 394 से 401, 402(भाग), 403(भाग), 173/410, 115/411(भाग), 348/412।

3. ग्राम धमनीकला (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:— 106(भाग), 107(भाग), 132 से 134, 135/1(भाग), 135/2, 136(भाग)।

4. ग्राम धमनीखुर्द (भाग) में अर्जित किए जाने वाले प्लॉट संख्या:— 1 से 7, 8 (भाग) से 11 (भाग), 38 (भाग), 40 (भाग), 4/165।

सीमा वर्णन:

ब्लाक-1:

क-ख

रेखा ग्राम खैरहा में बिन्दु "क" से आरंभ होती है और प्लॉट संख्या 339, 319, 55 के पश्चिमी सीमा से चलती हुई सरफा नाला के पूर्वी किनारे पर बिन्दु "ख" पर मिलती है।

ख-ग	रेखा बिन्दु "ख" से आरंभ होकर ग्राम खैरहा के प्लॉट संख्या 55 से होकर 317, 316, 323 के उत्तरी सीमा और 304, 327, 269, 270, 271, 243, 241 से होकर 240 के उत्तरी सीमा से गुजरती है फिर प्लॉट संख्या 246 से होकर 217 के उत्तरी सीमा, एवं 215, 507 से होती हुई ग्राम खैरहा-कन्दोहा के सम्मिलित सीमा में बिन्दु "ग" पर मिलती है।	ड.-1-च-1	रेखा बिन्दु "ड.-1" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 40, 41, 42, 56, 57, 58, 64, 65 के उत्तरी 65, 66, 164/1, 391/3 के पूर्वी सीमा से गुजरती है फिर ग्राम छिरहटी-धमनीखुर्द के भागतः सम्मिलित सीमा से चलती हुई बिन्दु "च-1" पर मिलती है।
ग-घ	रेखा बिन्दु "ग" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 30, 31, 30, 14, 12, 11, 9, 8 के पश्चिमी, 8, 7, 19 के उत्तरी सीमा से गुजरती हुई बिन्दु "घ" पर मिलती है।	च-1-छ-1	रेखा "च-1" ग्राम धमनीखुर्द के प्लॉट संख्या 11, 10, 9, 38, 8, 38, 40 से होकर ग्राम कन्दोहा में प्रवेश कर प्लॉट संख्या 393 से होकर ग्राम धमनीकला में प्रवेश करती है और प्लॉट संख्या 135/1, 136 से चलती हुई बिन्दु "छ-1" पर मिलती है।
घ-ड	रेखा बिन्दु "घ" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 19, 20, 21, 24/1, 24/2, 26, 33, 107 से होकर 106 के पूर्वी सीमा और 105 से होकर गुजरती है फिर 115 के पूर्वी सीमा और 411, 116, 117, 118, 216, 217, 218, 222, 223, 322 से गुजरती हुई ग्राम खैरहा-कन्दोहा के सम्मिलित सीमा में बिन्दु "ड" पर मिलती है।	छ-1-क-1	रेखा "छ-1" ग्राम धमनीकला के प्लॉट संख्या 136, 134, 133, 132 के दक्षिणी सीमा और 107, 106 से होकर ग्राम कन्दोहा में प्रवेश करती है और प्लॉट संख्या 402, 403, 388/2, 387, 339, 381, 382, 377, 376, 375, 374, 373, 348/2, 351, 348/2 से होती हुई आरंभिक बिन्दु "क-1" पर मिलती है।
ड-क	रेखा बिन्दु "ड" से आरंभ होकर ग्राम खैरहा के प्लॉट संख्या 517, 519, 446 के दक्षिणी सीमा और 443 से होकर 441 के पश्चिमी सीमा और प्लॉट संख्या 470, 469, 472, 473, 475, 398, 1130, 355, 354, 353, 356, 357, 341, 340 से गुजरती है फिर प्लॉट संख्या 340, 339 के दक्षिणी सीमा से चलती हुई आरंभिक बिन्दु "क" पर मिलती है।	[फा. सं. 43015/13/2010-पीआरआईडब्ल्यू-1] ए. के. दास, अवर सचिव	
New Delhi, the 19th October, 2012			
S.O. 3241.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 808 dated the 23rd February, 2012, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, section 3, sub-section (ii), dated the 3rd March, 2012, the Central Government gave notice of its intention to acquire 327.862 hectares (approximately) or 810.14 acres (approximately) land as surface rights in or over such lands specified in the Schedule appended to that notification;			
And whereas the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;			
And whereas, the Central Government after considering the aforesaid report and after consulting the Government of Madhya Pradesh, is satisfied that the lands measuring 327.862 hectares (approximately) or 810.14 acres (approximately) as surface rights in or over the said lands as described in the Schedule appended hereto, should be acquired;			
Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that the land measuring 327.862 hectares (approximately) or 810.14 acres (approximately) as surface rights in or over such lands as described in the aforesaid Schedule are hereby acquired;			

ब्लॉक-2:	
क-1-ख-1	रेखा ग्राम कन्दोहा में बिन्दु "क-1" से आरंभ होती है और प्लॉट संख्या 324 के पश्चिमी सीमा से चलती हुई नाला के पूर्वी किनारे पर बिन्दु "ख-1" पर मिलती है।
ख-1-ग-1-घ-1	रेखा बिन्दु "ख-1" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 324, 329, 330, 331 के उत्तरी सीमा और 324, 348/2, 334, 320, 311 से होकर 310, 287 के पश्चिमी, 287, 286, 285 के उत्तरी, 284, 283, 192, 193, 194, 191, 152, 153, के पश्चिमी, 147, 143, 133 के दक्षिणी सीमा और 132 से गुजरती है फिर 102 के दक्षिणी, 130, 129/2 के पूर्वी, 129/2, 129/1 के दक्षिणी सीमा से चलती हुई बिन्दु "घ-1" पर मिलती है।
घ-1-ड-1	रेखा बिन्दु "घ-1" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 129/1, 128, 105, 104, 100, 99, 98, 97, 33, 34, 35, 36, 37, 38, 40 से गुजरती हुई नाला के दक्षिणी किनारे में बिन्दु "ड-1" पर मिलती है।

ब्लॉक-2:

क-1-ख-1 रेखा ग्राम कन्दोहा में बिन्दु "क-1" से आरंभ होती है और प्लॉट संख्या 324 के पश्चिमी सीमा से चलती हुई नाला के पूर्वी किनारे पर बिन्दु "ख-1" पर मिलती है।

ख-1-ग-1-घ-1 रेखा बिन्दु "ख-1" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 324, 329, 330, 331 के उत्तरी सीमा और 324, 348/2, 334, 320, 311 से होकर 310, 287 के पश्चिमी, 287, 286, 285 के उत्तरी, 284, 283, 192, 193, 194, 191, 152, 153, के पश्चिमी, 147, 143, 133 के दक्षिणी सीमा और 132 से गुजरती है फिर 102 के दक्षिणी, 130, 129/2 के पूर्वी, 129/2, 129/1 के दक्षिणी सीमा से चलती हुई बिन्दु "घ-1" पर मिलती है।

घ-1-ड-1 रेखा बिन्दु "घ-1" से आरंभ होकर ग्राम कन्दोहा के प्लॉट संख्या 129/1, 128, 105, 104, 100, 99, 98, 97, 33, 34, 35, 36, 37, 38, 40 से गुजरती हुई नाला के दक्षिणी किनारे में बिन्दु "ड.-1" पर मिलती है।

3928 ए 12-11

The plan bearing number SECL/BSP/CGM(PLG)/LAND/428 dated the 4th June, 2012 of the area covered by this notification may be inspected in the office of the Collector, Shahdol (Madhya Pradesh) or at the office of the Coal

Controller, I, Council House Street, Kolkata—700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh).

SCHEDULED

Damni Underground Mine Block, Sohagpur Area,

District-Shahdol (Madhya Pradesh)

(Plan bearing number SECL/BSP/CGM(PLG)/LAND/428 dated the 4th June, 2012)

Surface Rights :

1. Block-I :

A. Revenue Land :

Sl. No.	Name of village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
1.	Khairaha	93	203	Sohagpur	Shahdol	82.395	Part
2.	Kandoha	93	67	Sohagpur	Shahdol	28.365	Part

Total: 110.760 hectares (approximately) or 273.69 acres (approximately)

B. Revenue Forest Land :

Sl. No.	Name of village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
1.	Khairaha	93	203	Sohagpur	Shahdol	0.182	Part

Total : 0.182 hectares (approximately) or 0.45 acres (approximately)

Sub Total : 110.942 hectares (approximately) or 274.14 acres (approximately)

2. Block-2 :

A. Revenue Land :

Sl. No.	Name of village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
1.	Kandoha	93	67	Sohagpur	Shahdol	184.145	Part
2.	Dhamninkala	95	469	Sohagpur	Shahdol	8.015	Part
3.	Dhamnikhurd	95	468	Sohagpur	Shahdol	8.448	Part

Total : 200.608 hectares (approximately) or 495.70 acres (approximately)

B. Revenue Forest Land :

Sl. No.	Name of Village	Patwari halka number	Bandobast number	Tahsil	District	Area in hectares	Remarks
1.	Kandoha	93	67	Sohagpur	Shahdol	12.901	Part
2.	Dhamnikhurd	95	468	Sohagpur	Shahdol	3.411	Part

Total: 16.312 hectares (approximately) or 40.30 acres (approximately)

Sub Total: 216.920 hectares (approximately) or 536.00 acres (approximately)

Total Revenue land:— 110.760 + 200.608 = 311.368 hectares (approximately) or 769.39 acres (approximately)

Total Revenue Forest land:— 0.182+16.312 = 16.494 hectares (approximately) or 40.75 acres (approximately)

Grant Total (Block 1+2):— 311.368+16.494 = 327.862 hectares (approximately) or 8.10.14 acres (approximately)

1. Plot numbers to be acquired in village Khairaha (Part):— 55(P), 215(P), 216, 217, 240, 241(P), 243(P), 244 to 268, 269 (P), 270 (P), 271 (P), 299 (P), 303 (P), 304(P), 316 to 326, 327(P), 328 to 339, 340(P), 341(P), 342 to 352, 353(P), 354(P), 355(P), 356(P), 357(P), 398(P), 441(P), 442, 443(P), 446 to 468, 469(P), 470(P), 472(P), 473(P), 474, 475(P), 476 to 506, 507(P), 508 to 519, 1129, 1130(P).

2. Plot numbers to be acquired in village Kandoha (Part):— 7(P), 8 to 18, 19(P), 20(P), 21(P), 22, 23, 24(P), 26(P), 27 to 32, 33(P) to 40(P), 41 to 103, 104(P), 105(P), 106, 107(P), 108 to 115, 116(P), 117(P), 118(P), 128(P), 129/1(P), 129/2, 130, 132(P), 133, 143 to 148, 151 to 194, 216(P), 217(P), 218(P), 222(P), 283 to 310, 311(P), 312, 320(P), 324(P), 325 to 331, 334(P), 335 to 347, 348/1, 348/2(P), 349, 350, 351(P), 373(P) to 377(P), 378 to 380, 381(P), 382(P), 387(P), 388/1, 388/2(P), 389, 390, 391/3 to 391/8, 391/12 to 391/14, 392(P), 393(P), 394 to 401, 402(P), 403(P), 173/410, 115/411(P), 348/412.

3. Plot numbers to be acquired in village Dhamnikala (Part):— 106(P), 107(P), 132 to 134, 135/1(P), 135/2, 136(P).

4. Plot numbers to be acquired in village Dhamnikhurd (Part):— 1 to 7, 8(P) to 11(P), 38(P), 40(P), 4/165.

Boundary Description:

Block—1:

- A-B Line starts from point 'A' in village Khairaha and passes along the western boundary of plot number 339, 319, 55 and meets at point 'B' on the eastern bank of Sarpha Nullah.
- B-C Line starts from point 'B' and passes plot numbers village Khairaha through plot number 55, along the northern boundary of plot numbers 317, 316, 323, through plot numbers 304, 327, 269, 270, 271, 243, 241, along the northern boundary of plot number 240, through plot number 246, along northern boundary of plot number 217, through plot numbers 215, 507 and meets at point 'C' on the common boundary of villages Khairaha-Kandoha.
- C-D Line starts from point 'C' and passes through village Kandoha along western boundary of plot numbers 30, 31, 30, 14, 12, 11, 9, 8, northern boundary of plot number 8, 7, 19 and meet at point 'D'.
- D-E Line starts from point 'D' and passes through village Kandoha through plot numbers 19, 20, 21, 24/1, 24/2, 26, 33, 107, along the eastern boundary of plot number 106, through plot number 105, along the eastern boundary of plot number 115, through plot numbers 411, 116, 117, 118, 216, 217, 218, 222, 223, 322 and meets at point "E" on the common boundary of villages Khairaha-kandoha.

E-A

Line starts from point 'E' and passes through village Khairaha and passes along the southern boundary of plot numbers 517, 519, 446, through plot number 443, along the western boundary of plot number 441, through plot numbers 470, 469, 472, 473, 475, 398, 1130, 355, 354, 353, 356, 357, 341, 340, along the southern boundary of plot numbers 340, 339 and meets at starting point 'A'.

Block-2:

A-1-B-1

Line starts from point A-1 in village Kandoha and passes along the western boundary of plot number 324 and meets at point B-1 on the eastern bank of Nullah.

B-1-C-1-D-1

Line starts from point B-1 and passes through village Kandoha along the northern boundary of plot numbers 324, 329, 330, 331, through plot numbers 324, 348/2, 334, 320, 311, western boundary of plot numbers 310, 287, northern boundary of plot numbers 287, 286, 285, western boundary of plot numbers 284, 283, 192, 193, 194, 191, 152, 153, southern boundary of plot numbers 147, 143, 133, through plot numbers 132, southern boundary of plot number 102, eastern boundary of plot numbers 130, 129/2, southern boundary of plot numbers 129/2, 129/1 and meets at point D-1.

D-1-E-1

Line starts from point D-1 and passes through village Kandoha through plot numbers 129/1, 128, 105, 104, 100, 99, 98, 97, 33, 34, 35, 36, 37, 38, 40 and meets at point E-1 on the southern bank of Nullah.

E-1-F-1

Line starts from point E-1 and passes through village Kandoha along the northern boundary of plot numbers 40, 41, 42, 56, 57, 58, 64, 65, eastern boundary of plot numbers 65, 66, 164/1, 391/3 then along the partly common boundary of villages Chhirhiti-Dhamnikhurd and meets at point F-1.

F-1-G-1

Line starts from point F-1 and passes through village Dhamnikhurd through plot numbers 11, 10, 9, 38, 8, 38, 40, then enters in village Kandoha and passes through plot number 393, then enters in village Dhamnikala and passes through plot numbers 135/1, 136 and meets at point G-1.

G-1-A-1

Line starts from point G-1 and passes through village Dhamnikala along the southern boundary of plot numbers 136, 134, 133, 132, through plot numbers 107, 106, then enters in village Kandoha and

passes through plot numbers 402, 403, 388/2, 387, 339, 381, 382, 377, 376, 375, 374, 373, 348/2, 351, 348/2 and meets at starting point A-1.

[F. No. 43015/13/2010-PRIW-I]

A. K. DAS, Under Secy.

नई दिल्ली, 25 अक्टूबर, 2012

का.आ.3242.—केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार के कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना संख्या 3378, तारीख 18 नवम्बर, 2011 जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) तारीख 26 नवम्बर, 2011 में प्रकाशित की गई थी, उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 6.58 हेक्टर (लगभग) या 16.25 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार, का यह समाधान हो गया है कि इस अधिसूचना में उपाबद्ध अनुसूची में विहित की गई उक्त भूमि के भाग में कोयला अभिप्राय है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 6.58 हेक्टर (लगभग) या 16.25 (लगभग) माप की उक्त भूमि के सभी अधिकार के अर्जन करने के अपने आशय की सूचना देती है;

टिप्पण 1: इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या आरईवी/01/2012, तारीख 10 अप्रैल, 2012 का निरीक्षण उपायुक्त, चतरा, झारखंड के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या महाप्रबंधक, राजहारा क्षेत्र, झारखंड के कार्यालय में या महाप्रबंधक (भूमि और राजस्व), सेन्ट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, रांची, या मुख्य महाप्रबंधक (गवेषण विभाग), सेन्ट्रल माइन प्लानिंग और डिजाइन इंस्टीट्यूट, गोदवाना पैलेस, कांके रोड, रांची, झारखंड किया जा सकता है।

टिप्पण 2: उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :

अर्जन के बाबत आपत्तियां—

“8(1) कोई व्यक्ति, जो किसी भूमि में, जिसकी बाबत धारा 7(1) के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिनों के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण:—

(1) इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं

करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात्, जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए, वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।”

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम की धारा 3 के अधीन अधिसूचना संख्या का.आ. 2518, तारीख 27 मई, 1983 जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) में 11 जून, 1983 में प्रकाशित की गई थी, सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

मगध और आम्बपाली खंड (टंडवा साउथ खंड)

जिला—चतरा (झारखंड)

(रेखांक संख्या आरईवी/01/2012, तारीख 10 अप्रैल, 2012)

सभी अधिकार:

क्र. सं.	मौजा/ग्राम	थाना	ग्राम/थाना संख्या	जिला	रकबा (एकड़ में) (लगभग)	रकबा (एकड़ में) (लगभग)	टिप्पणियां
1.	मासीलौंग	टंडवा	61	चतरा	16.25	6.58	भाग
					कुल रकबा : 16.25	6.58	

ग्राम मासीलौंग में अर्जित किए जाने वाले भूखंड की संख्या : 219, 220 (भाग), 248 (भाग), 251, 252, 260 (भाग), 275 (भाग), 276 (भाग), 277 (भाग), 278 से 284, 286 से 292 और 300।

सीमा वर्णन:

क-ख-ग-घ-ड-च रेखा बिंदु “क” से प्रारंभ होकर ग्राम-मासीलौंग के भूखंड संख्या 257, 260, 259, 268, 255, 248, 300, 252, 251, 220, 218, 219, 217, 216 से गुजरती हुई बिंदु “च” पर मिलती है।

- च-छ रेखा बिंदु "च" से ग्राम-मासीलौंग के भूखंड संख्या 295, 294, 293, 285 से गुजरती हुई बिंदु "छ" पर मिलती है।
- छ-ज रेखा बिंदु "छ" से ग्राम-मासीलौंग और कामता की सम्मिलित सीमा के साथ गुजरती हुई बिंदु "ज" पर मिलती है।
- ज-झ-ज-क रेखा बिंदु "ज" से ग्राम-मासीलौंग के भूखंड संख्या 277, 276, 261 से गुजरती हुई प्रारंभिक बिंदु "क" पर मिलती है।

[फा.सं. 43015/17/2010-पीआरआईडब्ल्यू-1]

ए. के. दास, अवर सचिव

New Delhi, the 25th October, 2012

S.O. 3242.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 3378 dated the 18th November, 2011 issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), and published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 26th November, 2011 the Central Government gave notice of its intention to prospect for coal in 6.58 hectares (approximately) or 16.25 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 6.58 hectares (approximately) or 16.25 acres (approximately) and all rights in or over the said lands described in the schedule appended hereto;

Note 1: The plan bearing number Rev/01/2012, dated the 10th April, 2012 of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Chatra, Jharkhand or at the office of the Coal Controller, 1, Council House Street, Kolkata-700 001, or at the office of the General Manager, Rajhara area, Jharkhand or General Manager (Land and Revenue), Central Coalfields Limited, Darbhanga House, Ranchi or Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi.

Note 2 : Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows:—

Objections to acquisition:—

"8(1). Any person interested in any land in respect of which a notification under section 7(1) has been issued, may, within thirty days of the issue of the notification,

object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation:—

- (1) It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.
- (2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.
- (3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3 : The Coal Controller, 1, Council House Street, Kolkata-700 001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, *vide* notification number S.O. 2518 dated the 27th May, 1983 published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 11th June, 1983.

SCHEDULE

Magadh and Amarpali Block (Tandwa South Block)
District-Chatra (Jharkhand)

(Plan bearing number Rev/01/2012, dated the 10th April, 2012)

All Rights:

Sl. No.	Mauja/ Village	Thana/Village/District Thana number	Area (in acres) (approximate)	Area (in hectares) (approximate)	Remarks
1.	Masilaung	Tandwa 61 Chatra	16.25	6.58	Part
Total Area :			16.25	6.58	

Plot numbers to the acquired in village Masilaung - 219, 220(P), 248(P), 251, 252, 260(P), 275(P), 276(P), 277(P), 278 to 284, 286 to 292 and 300.

3928 9/12-12

Boundary Description :

- A-B-C-D-E-F Lines start from Point 'A' to plot numbers 257, 260, 259, 268, 255, 248, 300, 252, 251, 220, 218, 219, 217, 216, in village Masilaung and meets at point 'F'.
- F-G Lines passes from Point 'F' to plot numbers 295, 294, 293, 285, in village Masilaung and meets at Point 'G'.
- G-H Line passes from Point 'G' through common boundary of villages Masilaung and Kamta and meets at Point 'H'.
- H-I-J-A Line passes from Point 'H' through plot numbers 277, 276, 261, in village Masilaung and meets at starting Point 'A'.

[F. No. 43015/17/2010-PRIW-I]

A. K. DAS, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 21 सितम्बर, 2012

का. आ. 3243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 24/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 20-09-2012 को प्राप्त हुआ था।

[सं. एल-12012/45/2004-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 21st September, 2012

S.O. 3243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 24/2009) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 20-09-2012.

[No. L-12012/45/2004-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

Present :

Dr. Manju Nigam, Presiding Officer

I.D. No. 24/2009

Ref. No. L-12012/45/2004-IR(B-II) dated : 22-05-2009

Between

Sh. Kamal Prakash
S/o Shri Banwari Lal
384, Gangapur,
Bareilly.

and

The Dy. General Manager,
Bank of Baroda,
129-D, Civil Lines,
Bareilly-243 001.

AWARD

1. By order No. L-12012/45/2004-IR(B-II) dated 22-05-2009 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sh. Kamal Prakash S/o Shri Banwari Lal, 384, Gangapur, Bareilly and the Dy. General Manager, Bank of Baroda, 129-D, Civil Lines, Bareilly for adjudication.

2. The reference under adjudication is :

"Whether the action of the Management of the Bank of Baroda in terminating the services of Shri Kamal Prakash S/o Shri Banwari Lal w.e.f. 19-1-2002 from the post of Typist-cum-Data Entry Operator is legal and justified? What relief the workman concerned is entitled to?"

3. The case of the workman, Kamal Prakash, brief is that he was engaged as Typist-cum-Data Entry Operator on 26-03-2001 by the Bank through M/s. Balaji Computers, Bareilly and worked as such continuously till 19-01-2002 when his services have been terminated without any notice or notice pay in lieu thereof, in violation to the provisions contained in the Section 25F of the Industrial Disputes Act, 1947 in spite of the fact that the workman has completed 240 days of continuous services as per provisions of the Industrial Disputes Act. Accordingly, the workman has prayed that termination of his services w.e.f. 19-01-2002 be declared illegal and unjustified and he be reinstated in service with consequential benefits including back wages.

4. The management of the Bank of Baroda has disputed the claim of the workman by filing its written statement; wherein it has been stated that the workman was engaged on day to day adhoc basis as and when required by the branch through an agency, M/s. Balaji Computers for reloading the computer data and he was paid as per Bills presented by him every month. There was no employee-employer relationship between the workman and the Bank, therefore, there arise no question of terminating the services of the workman at any point of time. It was further submitted that appointment in the Bank are governed by certain Statutory Rules and guidelines issued by the Government of India and according to which for appointment on a post one has to go through certain specified procedure and the

workman by not going through said procedure is trying to get back door entry in the bank services. Thus, the bank management has prayed that the claim of the workman is without merit and is liable to be rejected without any benefit to him.

5. The workman has field rejoinder whereby he has only reiterated his averments already made in the statement of claim and has introduced nothing new.

6. The parties have filed documentary proof in support of their respective cases. The workman has examined himself whereas the management examined Shri Mandeep Kumar, Officer (HRM) in support of their case. The parties availed opportunity to cross-examine the each other's witnesses apart from putting oral arguments.

7. Heard representative of both the opposite party and perused evidence on record.

8. The authorized representative of the workman has argued that the management of the Bank of Baroda has terminated the services of the workman without complying the mandatory provisions of the Section 25F of the Act, though the workman has completed 240 days continuous working.

9. Per contra, the representative of the Bank has argued that there existed no employee-employer relationship between the workman and the bank as he was never appointed by the bank following prescribed procedures for the recruitment in the bank. It has further contended that the services of the workman were availed through agency viz., Balaji Computers and he was not called for when there was no need of his services; accordingly, he was never terminated at any point of time, therefore, there is no need to comply with the provisions of Section 25F of the Act.

10. The parties have filed documentary evidence in support of their case. The workman has filed photocopy of the following documents :

- (i) Applications addressed to the Chief Manager, Bank of Baroda, Zonal Office for payment of charges for carrying out the data entry work for the period 24-06-2001 to 12-01-2002, paper No. 12/12/5 to 12/12.
- (ii) Cheques towards said payments for different amounts, paper No. 12/13 to 12/19.
- (iii) Letter of Chief Manager dated 06-12-2001, paper No. 12/20.
- (iv) Photographs relating to foundation day celebrations, paper No. 12/21.
- (v) Representations of the workman regarding continuance of his service on temporary basis, paper No. 12/22 to 12/28.

In rebuttal, the management of the Bank has filed photo-copy of applications moved by the workman for

making payments in respect of data entry work and the photocopy of cheques making payments in response thereto, paper No.10/10 to 10/24.

11. I have given my thoughtful consideration to the rival contentions of the authorized representatives of the parties and scanned entire evidence on record.

12. It is the case of the workman that he worked with the opposite party continuously for the period 26-03-2001 to 19-01-2002 and for said work he was sent through an agency viz., M/s. Balaji Computers. Further, his allegation is that his services have been terminated by the bank without any notice or notice pay in lieu thereof in contravention of the provisions contained in the Section 25F of the I.D. Act, 1947.

13. It is settled law that when the workman comes forward with the case that his services have been terminated without following provisions of the Section 25F of the Act, then burden of proof heavily lies upon him that he had worked for 240 days in the preceding twelve months from the alleged date of his termination. In his cross-examination the workman has stated that he has been sent by the Balaji Computers for the said post. Further, it was also stated that he used to give written details of the days he worked and after verification he was paid by the Bank through cheque. The detail of working, which he had provided to the Bank for payment, is on record which is as under :

S. No.	Duration of work	No. of Days
1.	24-06-2001 to 03-07-2001	09
2.	04-07-2001 to 31-07-2001	24
3.	01-08-2001 to 31-08-2001	28
4.	01-09-2001 to 30-09-2001	30
5.	October, 2001	-
6.	November, 2001	-
7.	December, 2001	-
8.	01-01-2002 to 12-01-2002	12

The workman has not moved any application for summoning any record or working details from the Bank.

Per contra, the management witness vide para 06 of his affidavit has given following details of the working of the workman with the Bank.

From	To	No. of Days
24-06-2001	03-07-2001	09
04-07-2001	31-07-2001	24
01-08-2001	31-08-2001	28
01-09-2001	30-09-2001	30
01-10-2001	31-10-2001	31
01-11-2001	30-11-2001	30
01-12-2001	31-12-2001	31
01-01-2002	12-01-2002	12
Total		195 days

The workman has not rebutted the above working details in the cross-examination or otherwise.

14. In *Surenderanagar Panchayat and Another V. Jethabhai Pitamberbhai* 2005 (107) FLR 1145 (SC) Hon'ble Apex Court came to the conclusion that where the workman failed to prove that he had been in employment with the employer for a period of 240 days uninterruptedly, he not entitled to protection in compliance of Section 25-F of the Industrial Disputes Act, 1947. It was held by the Hon'ble Supreme Court that the scope of the enquiry before the Labour Court was confined only to 12 months preceding the date of termination to decide the question of the continuous service for the purpose of Section 25-F of the Industrial Disputes Act, 1947. Further, Hon'ble Apex Court has observed as under:

"The claimant, apart his oral evidence has not produced any proof in the form of receipt of salary or wages for 240 days or record of his appointment or engagement for that year to show that he has worked with the employer for 240 days to get the benefit under Section 25-F of the Industrial Disputes Act. It is now well settled that it is for the claimant to lead evidence to show that he in fact worked for 240 days in a year preceding his termination."

16. Thus, in view of the discussions made above, it comes out that the workman was not engaged by the bank following the procedure; but rather as per his own admission was sent through an agency viz. M/s. Balaji Computers. He was simply a casual labour and called upon to make entry of the computer data as and when required. In case of casual labour in order to get some relief he has to prove that he has worked continuously for 240 days uninterruptedly in a year preceding his termination, as observed by Hon'ble Supreme Court in *Surenderanagar Panchayat and Another v. Jethabhai Pitamberbhai* 2005 (107) FLR 1145 (SC). In the present case, the initial burden of establishing the fact of continuous work for 240 days in preceding twelve months from the date of alleged termination i.e. 19-01-2002 was on the workman but he has utterly failed to prove that he had worked for 240 days, as such, he could not discharge the burden. Under the facts and circumstances, I am of the opinion that the alleged action of the management in terminating the services of the workman w.e.f. 19-01-2002 was neither illegal nor unjustified.

17. Accordingly, the reference is adjudicated against the workman Kamal Prakash; and in my opinion he is not entitled to any relief.

18. Award as above.

Dr. MANJU NIGAM, Presiding Officer

LUCKNOW,
11-09-2012

नई दिल्ली, 26 सितम्बर, 2012

का. आ. 3244.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिप्टी सुपरिटेन्डेंट, होस्टेलचरिस्ट, ताजमहल, आगरा (यू.पी.) के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 10/09) को प्रकाशित करती है जो केन्द्रीय सरकार को 26-09-2012 को प्राप्त हुआ था।

[सं. एल-42012/66/2008-आई. आर. (डी.यू.)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 26th September, 2012

S.O. 3244.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. Case No. 10/09) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Deputy Supdt. Horticulturist, Taj Mahal, Agra (U.P.) and their workman, which was received by the Central Government on 26-09-2012.

[No. L-42012/66/2008-IR(DU)]

SURENDRA KUMAR, Section Officer

ANNEXURE

**BEFORE SRI RAM PARKASH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR**

Industrial Dispute No. 10 of 2009

Between :

Sri Bhaiyan alias Gauri Shanker,
Son of Sri Kashi Ram, Dandiapura Galla Mandi Road,
Devi Lal Chaubey ka Akhara,
Jhansi,

And

Deputy Suptd. Horticulturist,
ASI, Horticulture Division No. 1,
Taj Mahal, Agra, U.P.

AWARD

1. Central Government, vide notification No. L-42012/66/2008/IR(DU) dated 17-02-09, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management Archaeological Survey of India in terminating the services

of Sri Bhaiyan alias Gaurishanker with effect from 01-12-07 is legal and justified? If not to what relief the workman is entitled to?

3. After exchange of pleadings between the parties the case was taken up for evidence of the parties on 22-08-12. A perusal of the record would reveal that the representative for the workman moved an application paper no. 11/1 requesting therein that he is withdrawing his authority from the case.

4. Having considered the case at length the tribunal is of the opinion that at least the workman concerned should have put in his appearance in the case for his evidence. His non-appearance in the case lead to one and only one inference that he is not interested in prosecuting his claim before this tribunal. Therefore the tribunal is having with no option left except to hold that the workman is not entitled for any relief pursuant to his claim statement.

5. Reference is therefore, decided against the workman and in favour of the management.

RAM PARKASH, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3245.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ जनरल मैनेजर, बी. एस. एन. एल., कोलकाता एण्ड अर्द्ध के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पटना के पंचाट (संदर्भ संख्या 02 सी. आफ 2009 और 10 सी. आफ 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2012 को प्राप्त हुआ था।

[सं. एल-40012/21/2009-आई आर (डीयू)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. Case No. 02 (C) of 2009 and 10 (C) of 2009] of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial dispute between the Chief General Manager, BSNL, Kolkata and Others and their workman, which was received by the Central Government on 14-09-2012.

[No. L-40012/21/2009-IR(DU)]

SURENDRA KUMAR, Section Officer

3328 95/12-13

ANNEXURE

BEFORE THE PRESIDING OFFICER,

INDUSTRIAL TRIBUNAL, PATNA

Reference No. : 02 (C) of 2009,

10(C) of 2009

Between the management of the Chief General Manager, (Maintenance) BSNL, Telephone Bhawan, 6th Floor, 34, B.B.D. Bagh, Kolkata-700001, West Bengal and the General Manager, BSNL, ETR Central Telegraph Building, 2nd Floor, Budh Marg, Patna, Bihar and Shri Dev Kumar Pandey S/o Shri Shyam Narain Sharma, Village Siparadih, P.O.: Dhelwan, PS : Fulwari, Present P.S : Beur Patna (Bihar).

For the management : Shri Rohitabh Das, Advocate.

For the workman : Shri Durgesh Pd. Sinha, Advocate.

Present : Shri Harish Chandra Singh, Presiding Officer

Industrial Tribunal, Patna.

AWARD

Patna, the 31st August, 2012.

By adjudication order No. L-40012/21/2009-IR (DU) dated 28-05-2009 the Central Government (Government of India) Ministry of Labour, New Delhi referred under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act') the following dispute between the Management of the General Manager, BSNL, ETR Central Telegraph Building, 2nd Floor, Budh Marg, Patna, Bihar and their workman Shri Dev Kumar Pandey for adjudication to the Central Government Industrial Tribunal No. 2, Dhanbad. However, vide order No. L-40012/21/2009-IR(DU) dated 04-11-2009, the Central Government transferred this Industrial Dispute to State Industrial Tribunal, Patna for adjudication:—

"Whether the action of the management of the BSNL Patna in terminating the services of Shri Dev Kumar Pandey, w.e.f. 25-12-2003 is legal and justified? If not, what relief the workman is entitled to?"

2. The case of the workman Sri Dev Kumar Pandey (hereinafter referred to as the workman) as stated in his statement of claim is that he was appointed by the oral order to discharge the duties of the class IV employee under group 'D' with effect from 01-07-1999 with SDE, OCB, TAX Patna. He worked from 10 A.M. to 5 P.M. uninterruptedly and performed various duties such as laying of cable, carrying telephone cable, sweeping and cleaning office premises, carrying file register etc. He was paid Rs. 1000 per month on fortnightly basis through vouchers. The work or duties done of him were of perennial nature

and identical with the permanent employees of BSNL. On 24-12-2003 he was asked not to come to duties since 25-12-2003. On 25-12-2003 he went to duties but he was stopped from worked and was informed that his service was terminated. He made request to the management at different levels for reinstatement and regularisation of his service as a full time class IV employee under group 'D' but his request was not heard. He approached the Central Administrative Tribunal, Patna but the management did not consider his case on some plea or the other. He raised Industrial Dispute according to law which has been referred to Industrial Tribunal for adjudication. His case is that he worked with the management for over four years continuously and particularly within a year preceding date of termination, he worked for more than 240 days. He was not given any retrenchment compensation. The case of the workman is that termination of his service are covered U/s-2(oo) of the I.D. Act. Now he can not find employment anywhere and he is facing starvation and has no other means of livelihood. The management violated the mandatory provisions under Section 25-F of the I.D. Act. He prayed for reinstatement with back wages and regularisation.

3. The case of the management has been stated in written statement. It may noted at the very out set that the so called written statement is more in form of arguments than written statement with factual statement. The facts alleged by the workman in his claim petition have not been denied. His engagement and his termination has not been denied. But argument has been advanced in the so called written statement that there is nothing on record/material brought forth by the workman to the effect that any 'action' had actually been taken as claimed. It has been argued in the written statement that question of termination of an workman having being orally appointed can not be and does not arise. The BSNL will not take action against some one who has not been appointed and there is no communication regarding termination of the service of the workman with effect from 25-12-2003. It has been argued in the written statement that the workman has tried to mislead and misguide the Tribunal into passing an award. He has not mentioned that besides Central Administrative Tribunal he had also approached the Hon'ble Patna High Court who refused his writ petition and dismissed the same. The workman alleged that he was terminated in the year 2003. He raised industrial dispute after five years, this indicates his mala fide intention.

Actually the facts alleged by the workman in his statement of claim have not been denied by the management in the written statement. However, it is well settled that in such cases it is duty of the workman to adduce evidence to prove that he worked for more than 240 days within the 12 months before the alleged termination. As such the question for determination before the tribunal is:—

- (i) "Whether the workman has prove that he worked for 240 days within 12 calendar months before the date of alleged termination of his service?"
- (ii) "Whether the action of the management in terminating service of workman with effect from 25-12-2003 in legal and justified?"
- (iii) "If not, to what relief the workman is entitled to?"

4. Issue No.-(i) & (ii):— The case of the workman is that he was engaged to discharge the duties of class IV employee under group 'D' from 01-07-1999 with SDE, OCB, TAX Patna. He worked continuously till 24-12-2003 and he was removed with effect from 25-12-2003. He was paid Rs. 1000 per month wages on fortnightly basis through vouchers. He has adduced evidence to prove these facts. He has stated that the same in his oral evidence as well as adduced documentary evidence. The workman examined as W.W.-1 has stated in paragraph-2 of examination in chief, that he joined duty on 01-07-99 and worked till 24-12-2003. In paragraph-6 of examination in chief he has stated that he was paid Rs. 500 on fortnightly basis. He has produced documents regarding payment which are Exts.-W/3 to W/20. Exts.-W/1, and W/3 are photo copy of vouchers through which payment has been made to the workman. Ext.-W/2 in 29 pages is photo copy of peon book showing that during 2002-03 concerned workman worked for BSNL and he carried letters from the office to different other offices. This documents alone i.e. Exts.- W/2 in 29 pages proves that the workman Dev Kumar Pandey worked for more than 240 days in the year 2003 i.e. year in which he was removed with effect from 25-12-2003. These documents i.e. Exts.-W/2 has been duly recognised by witness by the management M.W-1 Ramesh Kumar who is Sub-divisional Engineer (SDE), AXE 10 Tax, Rajendra Nagar and was posted as SDE OCB Tax Patna at the relevant time as Sub Divisional Engineer (AXE) (OCB) Tax Patna and the concerned workman worked under him. In paragraph-14 of his examination in chief he has stated that Dev Kumar Pandey occasionally carried letters from his office for distribution to other offices of BSNL for which he was paid by vouchers. He has admitted his signature on the Ext. 17 i.e. vouchers. In his cross-examination he has admitted other vouchers of Exts.-W/1 series and he has also admitted photo copies of peon book Exts.-W/2 in 29 pages. These documents prove that the workman Dev Kumar Pandey worked in the office of SDE OCB Tax, Patna for more than 240 days within 12 calendar months immediately before his removal.

In this case the management has not denied the facts in their written statement. The defence of the management is mainly based on the ground that the workman Dev Kumar Pandey was not duly appointed following regular procedure for appointment of class IV employees. The learned counsel appearing on behalf of the management heavily relief upon SECRETARY, STATE OF KARNATAKA AND OTHERS.

Versus UMADAVI(3)AND OTHERS, (2006) 4 SCC-1. This case was regarding regularisation of service of daily wagger in Government service. This case was not a case under I.D. Act. By now it has been well settled that the law laid down in Uma Devi case is not applicable in cases under I.D. Act. In I.D. Act there are certain safe guards against termination and/or retrenchment of workman. If those safe guards are not complied with while removing a workman entitled to of protection under I.D. Act, such retrenchment or removal can not be justified. The law and safe guards provided under the I.D. Act are stated in I.D. Act as quoted here under:—

Sec-2(oo): "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, other-wise than as a punishment inflicted by way of disciplinary action but does not include—

- (a) Voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the Non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health;

Section-25B; Definition of continuous service.—For the purposes of this Chapter,—

a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock-out a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

- (i) one hundred and ninety days in the case of a workman employed below ground in a mine;
- (ii) two hundred and forty days, in any other case;

Section 25 F. Conditions preceding to retrenchment of workman— No workman employed in any industry who

has been in Continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six month; and
- (c) notice in the prescribed manner served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

In this case much has been argued on behalf of the management that concerned workman was not duly appointment following rules and regulations. It was argued to the extent that he was not a daily wagger because he was not paid wages and he was paid only Rs. 500 per fortnight. In Devinder Singh Vs Municipal Council, Sanaur. 2011 LAB. I.C. 2799 it has been held by the Hon'ble Supreme Court that:—

"The source of employment, the method of recruitment, the terms and conditions of employment/ contract of service, the quantum of wages/pay and the mode of payment are not at all relevant for deciding whether or not a person is a workman within the meaning of Section 2(s) of the Act. The definition of workman also does not make any distinction between full-time and part-time employee or a person appointed on contract basis. There is nothing in the plain language of— Section 2(s) from which it can be inferred that only a person employed on regular basis or a person employed for doing whole—time job is a workman and the one employed on temporary, part-time or contract basis on fixed wages or as a casual employee or for doing duty for fixed hours is not a workman."

In this case the workman has prove that he worked for more than 240 days within 12 calendar month's immediately preceding the date of termination. According to the Hon'ble Supreme Court it is immaterial whether he was employed on the regular basis or he was employed for doing whole time job or part time job. In this case it is admitted that provision of Section 25 F were not complied with. Therefore, the termination of service of the workman is not just and legal.

Issue no. (iii):— It is well settled that in every case of violation of u/s 25 F of I.D. Act. The relief of reinstatement cannot be granted automatically. I am fully aware of the

fact that present trend of labour jurisprudence as indicated from time to time by the Hon'ble Supreme Court is that in case of daily wager relief of compensation instead of reinstatement should be generally granted. However, in this case I find that there were several occasions in BSNL when daily rated mazdoor have been absorbed in cadre of permanent class IV employees. There is one speaking order passed by N.P. Roy, AGM (A), O/o the PGM TD, Patna rejecting the claim of workman for reinstatement and regularization. In that speaking order there are reference of three such schemes regarding absorption of casual mazdoors:—

- (i) DoT letter no-269-10/89-STN dated- 07-01-1989.
- (ii) DoT letter dated- 17-12-1993.
- (iii) DoT letter no-269-4/93-STN-II dated- 12-02-1999 and 269-13/99-STN-II dated- 1-09-1999.

Besides these there is Exts.-W/28 i.e. letter of 29-01-2008. This letters also indicated that there was scheme of regularization of casual workers.

Having regard to the state of affairs in BSNL, I am of the view that the workman is entitled to relief of reinstatement. The management is directed to reinstate the workman immediately after publication of award. There is no order regarding back wages. He will not get back wages.

And this is my award.

HARISH CHANDRA SINGH, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3246.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर, न्यूक्लियर पावर कारपोरेशन ऑफ इण्डिया लि., मुम्बई के प्रबंधन के संबंध निर्यातों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोटा के पंचाट (संदर्भ संख्या....13/93....) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-09-2012 को प्राप्त हुआ था।

[सं. एल-42025/02/1993-आईआर (डीयू)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3246.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 13/93) of the Industrial Tribunal, Kota as shown in the Annexure, in the Industrial dispute between The Director, Nuclear Power Corporation of India Ltd., Mumbai and their workman, which was received by the Central Government on 18-09-2012.

[No. L-42025/02/1993-IR (DU)]

SURENDRA KUMAR, Section Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण, कोटा/केन्द्रीय/कोटा/राज.
पीठासीन अधिकारी-श्री प्रकाश चन्द्र पगारीया, आर.एच.जे.एस.

निर्देश प्रकरण क्रमांक: औ.न्या./केन्द्रीय/-13/93

दिनांक स्थापित: 14/5/93

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या

एल-42025/2/93-आईआर (डीयू) दि. 7/5/93

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद
अधिनियम, 1947

मध्य

अध्यक्ष, राजस्थान अनुशक्ति परियोजना कर्मचारी संघ,
रावतभाटा।

---प्राथीगण

श्रमिक

यूनियन

एवं

डॉयरेक्टर, न्यूक्लियर पावर कारपोरेशन आफ इण्डिया लि.

16वां फ्लोर, वर्ल्ड ट्रेड सेन्टर, सेन्टर-1 कुफी रोड, बाम्बे।

---अप्रार्थी

नियोजक

उपस्थित

प्राथीगण श्रमिक यूनियन की ओर से:— कोई उपस्थित नहीं

अप्रार्थी नियोजक की ओर से प्रतिनिधि:— श्री बी.के. जैन

अधिनिर्णय दिनांक: 18/7/2012

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने उक्त प्रासांगिक आदेश दि. 7/5/93 के जरिये निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :-

"Whether the reward of 20% over the entitlement for the shut down period as envisaged in term 7 of the Scheme of Incentive should be subject to a ceiling of 27% as mentioned in term 6 of Scheme."

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना/नोटिस जारी कर विधिवत रूप में अवगत करवाया गया।

3. प्राथीगण कर्मकार संघ की ओर से उनके अध्यक्ष ने क्लेम स्टेटमेन्ट पेश किया जिसमें यह वर्णित किया गया कि प्राथी एवं अप्रार्थी दोनों

पक्षकारों के मध्य एक मेमोरेण्डम आफ सेटिलमेन्ट धारा 12(3) औद्योगिक विवाद अधिनियम, 1947 के तहत तैयार किया गया जिस पर दोनों ही पक्षों के हस्ताक्षर हैं तथा हस्तगत विवाद के लिए इस समझौते में वर्णित पैरा 6 व 7 महत्वपूर्ण हैं। अप्राथी न्यूक्लियर पावर कोर, परमाणु शक्ति से विद्युत उत्पन्न करता है और प्राथी यूनियन के सदस्य परमाणु विद्युत उत्पन्न करने के कार्य को अन्जाम देते हैं। कर्मचारियों को समय-समय पर अच्छे उत्पादन के लिए पारितोषिक एवं इनाम आदि प्राप्त होते रहते हैं। अप्राथी द्वारा विद्युत उत्पादन कर रा.रा.वि. मण्डल को बेची जाती है एवं इससे लाभ भी प्राप्त होता है। चूंकि अप्राथी को अत्यधिक लाभ होता है, अतः कर्मचारियों को भी बोनस, एक्सग्रेसिया, पेमेन्ट, इन्सेन्टिव, शट डाउन रिवार्ड व अन्य अदायगियों के बारे में नीति निर्धारित कर ली गयी है। अप्राथी के विद्युत प्लान्ट के वार्षिक रख-रखाव आदि के लिए 84 दिन की सीमा शट डाउन के लिए निर्धारित की गयी है एवं यदि उस वार्षिक रख-रखाव, मरम्मत को 84 दिन की जगह 70 दिन या उससे कम दिनों में कर लिया जाता है तो 84 दिन की जगह बचे हुए दिनों के उत्पादन पर 20% के हिसाब से जो भी राशि देय होगी वह दी जायेगी एवं वह राशि धारा 6 के अधीन सीलिंग से अप्रभावित रहेगी। समझौते के आईटम नं. 6 में लिखा है कि सीलिंग का प्रावधान 20% रिवार्ड को प्रभावित नहीं करता है और 20% का रिवार्ड स्वतंत्र है एवं राशि कितनी भी हो सकती है। अतः 20% राशि को 27% अंतिम सीलिंग की जो सीमा तय कर रखी है वह उसमें शामिल नहीं है क्योंकि आईटम नं. 4 में भी वर्णित मासिक एवं वार्षिक रिवार्ड सीलिंग सीमा से अलग रखे गये हैं और सीलिंग क्या प्रभावित करेगा यह आईटम नं. 6 में वर्णित है। इसमें केवल मासिक बोनस, वार्षिक एवं सांविधिक बोनस एवं एक्सग्रेसिया को ही प्रभावित रखा गया है। धारा 6 में शट डाउन पीरियड के रिवार्ड का कोई उल्लेख नहीं है इसलिए शट डाउन पीरियड का रिवार्ड स्वतंत्र रखा गया है क्योंकि 84 दिन से कम समय में यदि वार्षिक मरम्मत रख-रखाव आदि का कार्य कर लिया जाता है तो ऐसे में जिन दिनों में बिजली का उत्पादन होता है वह कर्मचारियों की मेहनत, लगन एवं निष्ठा का परिणाम है। समझौते के समय भी यही धारणा थी व इसी उद्देश्य से समझौता किया गया था। अप्राथी ने शट डाउन पीरियड से कम समय में मरम्मत कर दिये जाने से बचे हुए दिनों में जो उत्पादन हुआ उस पर 20% बोनस रिवार्ड देने से मना कर दिया तथा उस राशि को भी पैरा 6 के तहत सीलिंग की सीमा में मान रहे हैं एवं इस प्रकार शट डाउन अवधि की निर्धारित समय सीमा से कम दिनों में सम्पूर्ण मरम्मत कार्य कर देने पर बचे हुए दिनों में जो उत्पादन हुआ है, उस बाबत 20% रिवार्ड नहीं दिया जाकर कर्मचारियों/कर्मकारों को उनके जायज हक से वंचित किया जा रहा है। अन्यथा तो 84 दिन से कम समय में यदि कर्मचारी अपने मेहनत के बलबूते पर यूनिट को उत्पादन के योग्य बना देते हैं तो उन्हें उनका रिवार्ड मिलना ही चाहिए। अतः अपने क्लेम स्टेटमेन्ट के माध्यम से प्राथी यूनियन ने इस आशय के अनुतोष की मांग की कि उभयपक्ष के मध्य समझौते में 27% की सीलिंग सीमा जो बोनस, अनुग्रह आदि राशि के लिए किया गया है। उसमें निर्धारित शट डाउन पीरियड से कम अवधि में यूनिट का मरम्मत कार्य पूरा कर बचे हुए दिनों में जो उत्पादन किया जाता है उसका 20% पारितोषिक ऊपर वर्णित सीलिंग में शामिल नहीं है, अतः वह कर्मचारीगण पाने के अधिकारी हैं।

3928 27/12-14

4. क्लेम स्टेटमेन्ट से अवगत होकर अप्राथी नियोजक ने अपना जवाब पेश किया जिसमें वर्णित किया कि प्राथी यूनियन व अप्राथी के मध्य राज. परमाणु बिजलीघर के कर्मचारियों के लिए उत्पादन प्रोत्साहन योजना के अन्तर्गत एक समझौता सहायक श्रम आयुक्त, चित्तौड़गढ़ की मध्यस्थता में सम्पन्न हुआ था। उस समझौते दि. 12/9/88 के खण्ड 6 में उत्पादन प्रोत्साहन योजना के अन्तर्गत दिया जाने वाला कुल भुगतान कुल वार्षिक मजदूरी के 27% से अधिक नहीं होगा, ऐसा भारत सरकार के ब्यूरो ऑफ पब्लिक एन्टरप्राइज के निर्देशों के अनुसार है। उसमें पक्षकारों के मध्य यह भी सहमति बनी कि ब्यूरो ऑफ पब्लिक एन्टरप्राइज इस 27% की सीमा को बढ़ा देता है तो अप्राथी प्रबन्धन भी इस 27% सीमा का पुनर्विलोकन करेंगे। इसके अलावा बिजलीघरों के विस्तृत अनुरक्षण के लिए शट डाउन की सामान्य अवधि निर्धारित की गयी है एवं उसमें 71 से 84 दिनों में पूरी हो जाने की अपेक्षा की जाती है। यदि कर्मचारीगण 84 दिनों की अवधि में इसकी मरम्मत नहीं कर पाते हैं तो उन्हें शट डाउन आदि के लिए मिलने वाला प्रोत्साहन किस हिसाब से देय होगा, ऐसा भी समझौते में वर्णित किया गया है तथा यदि दो वर्ष की गणना अवधि में शट डाउन अवधि 70 दिन या उससे कम होती है तो शट डाउन अवधि की पात्रता से 20% अधिक पुरस्कार के रूप में भुगतान किये जाने योग्य होगा। इस सम्बन्ध में समझौते के खण्ड 7(क) में वर्णित किया गया है परन्तु यह राशि भी खण्ड 6 में नियत अधिकतम सीमा सीलिंग के अधीन ही होगी। अप्राथी भारत सरकार का न्यूक्लियर पावर कोरपोरेशन कंपनी अधिनियम के तहत एक पंजीकृत कंपनी है तथा समझौते दि. 12/9/88 के खण्ड 7 के पठन से यह स्पष्ट हो जाता है कि 2 वर्ष की अवधि में विस्तृत अनुरक्षण के लिए शट डाउन की अवधि 84 दिन सीमित की जायेगी एवं 84 दिन की अवधि के लिए प्रोत्साहन का भुगतान किया जायेगा एवं 2 वर्ष की अवधि में शट डाउन 70 से कम होता है तो पात्रता के अनुसार 20% भुगतान देय होगा। अतः समझौते का खण्ड 7 दो परिस्थितियों से सम्बन्धित है। प्रथम, शट डाउन अनुरक्षण 84 दिन में पूरा हो जाता है तो कर्मचारीगण पिछले 10 महीनों के औसत मासिक क्षमता घटक पर लागू प्रतिशत के आधार पर प्रोत्साहन के पात्र होंगे लेकिन यदि शट डाउन की अवधि 70 दिन से कम की होती है तो शेष अवधि की पात्रता के औसत के आधार पर 20% की दर से गणना की जायेगी। अतः खण्ड 7 में पुरस्कार प्रदान करने के साथ-साथ दण्ड करने का प्रावधान भी है। अब प्राथीगण के खण्ड 6 व 7 की इस प्रकार से व्याख्या करना कि 70 दिनों से कम समय में शट डाउन का कार्य पूरा कर देने पर बचे हुए दिनों में उत्पादन करने से 20% प्रोत्साहन प्राप्त करने के अधिकारी हैं, ठीक नहीं है। समझौते दि. 12-9-88 के अन्तर्गत प्रोत्साहन एवं पुरस्कार राशि का जो वर्णन है, इसके पीछे क्या ध्येय है, इसको भी अप्राथी ने अपने जवाब में वर्णित किया है एवं आगे यह भी वर्णित किया है कि 70 दिन से कम अवधि में शट डाउन का कार्य पूरा करने पर भी जो राशि पारितोषिक के रूप में आती है वह खण्ड 6 में वार्षिक 27% सीमा के अधीन ही होती है ना कि उससे परे। अतः अप्राथी ने अपने जवाब के माध्यम से प्राथीगण का क्लेम स्टेटमेन्ट खारिज किये जाने की प्रार्थना की।

5. इसके पश्चात् साक्ष्य प्रार्थी में गवाह नरोत्तम जोशी व पुरुषोत्तम शर्मा के शपथ-पत्र पेश हुए परन्तु दोनों ही गवाहों से अप्रार्थी को जिरह का अवसर प्राप्त नहीं हो सका एवं ना ही इन गवाहों से जिरह हुई। अतः कानूनन इन गवाहों के शपथ-पत्र जिरह के अभाव में साक्ष्य में पढ़े नहीं जा सकते हैं, अर्थात् ये शपथ-पत्र साक्ष्य में ग्राह्य नहीं हैं। अप्रार्थी की ओर से भी इस मामले में कोई साक्ष्य पेश नहीं हुई है।

6. आदेशिका दि. 13-5-98 के अनुसार प्रार्थी यूनियन ने अपने पूर्व के प्रार्थना-पत्र को नोट प्रेस दिया एवं पक्षकारान बहस ही करना चाहते हैं, अतः पत्रावली उस दिन से ही बहस हेतु नियत की जाती रही है। इसके बाद आदेशिका दि. 24-1-12 में यह उल्लेख हुआ कि प्रकरण 26-6-98 से ही बहस अन्तिम में लगाया जाता रहा है, अतः बहस अन्तिम हेतु पत्रावली नियत की जाती रही है एवं प्रार्थीगण की ओर से दि. 27-1-11 के बाद से आज दिन तक कोई प्रतिनिधि उपस्थित नहीं आये, अतः ऐसी स्थिति में प्रार्थीगण की ओर से किसी की बहस सुना जाना संभव नहीं हो सका। अप्रार्थी के प्रतिनिधि श्री वी.के. जैन उपस्थित आये, उनकी बहस सुनी गयी।

7. बहस के दौरान अप्रार्थी की ओर से दलील दी गयी कि इस मामले में सर्वप्रथम तो प्रार्थीगण की ओर से जो शपथ-पत्र पेश हुए हैं, उनसे अप्रार्थी को जिरह का कोई अवसर प्राप्त नहीं हुआ है, अतः वह साक्ष्य में ग्राह्य नहीं है एवं प्रार्थीगण की ओर से जब कोई साक्ष्य ही पेश नहीं हुई तो यह मामला एक तरह से साक्ष्य के अभाव का हो जाता है इसके अलावा अप्रार्थी का जो जवाब पेश हुआ है एवं उसमें जो तथ्य वर्णित किये गये हैं वे तथ्य उभयपक्ष के मध्य सम्पन्न हुए समझौते दि. 12-9-88 के पैरा सं. 6 एवं 7 में वर्णित शर्तों के अनुरूप ही है। जहां समझौते के पैरा 6 में सीलिंग की जो मात्रा इन्सेन्टिव एवं बोनस के सम्बन्ध में दी गयी है, उसमें शब्द "उत्पादन प्रोत्साहन योजना" को काम में लिया गया है एवं उसमें शट डाउन पीरियड की निर्धारित अवधि में भी यदि यूनिट चालू हो जाती है तो फिर बचे हुए दिनों के लिए जो उत्पादन होता है वह भी उत्पादन प्रोत्साहन योजना का ही एक भाग होता है एवं उसे उत्पादन प्रोत्साहन योजना से अलग नहीं किया जा सकता है। प्रार्थीगण गलत धारणा से विवाद लेकर आये हैं कि शट डाउन पीरियड की निर्धारित अवधि से कम दिनों में यदि यूनिट का मरम्मत कार्य पूरा कर लिया जाता है तो निर्धारित अवधि से जो कम दिन लगाये गये हैं, उनको निर्धारित अवधि के दिनों में से घटाने के बाद में शेष बचे हुए दिनों में जो उत्पादन कार्य हुआ है वह इस समझौते के पैरा 6 में वर्णित सीलिंग सीमा से शासित नहीं होता है। यह तथ्य अपने आप में भ्रमित है, अतः प्रार्थीगण का क्लेम स्टेटमेंट खारिज किया जावे।

8. हमने अप्रार्थी के विद्वान प्रतिनिधि की दलील पर मनन किया। सर्वप्रथम तो यह न्यायाधिकरण यह प्रकट करना चाहेगा कि जब किसी मामले में पक्षकारान अपने मामले को साबित करने के लिए साक्ष्य आदि पेश कर रहे हैं तो उभयपक्ष की साक्ष्य के द्वारा ही उस मामले का सम्यक रूप से विनिश्चय किया जा सकता है एवं कदाचित् पक्षकारान यह समझते हैं कि इस मामले में साक्ष्य की आवश्यकता नहीं होकर के केवल मात्र समझौते की व्याख्या का ही प्रश्न अन्तर्वर्तित है तो वे ऐसा

लिखित में निवेदन करके केवल न्यायाधिकरण में उभयपक्ष के मध्य निष्पादित हुए समझौते बाबत ही अपनी दलीलें या तर्क देकर अपना पक्ष रख सकते थे एवं न्यायाधिकरण उनकी इन दलीलों को सुनकर उस समझौते की भाषा, भावना आदि को दृष्टिगत रखते हुए या विचारगत करते हुए जो भी उचित होता ऐसा निर्णय देता। अर्थात् इस मामले में पक्षकारों के समक्ष दो विकल्प हैं, प्रथम तो यह कि साक्ष्य पेश कर मामले का विनिश्चय करवाते, द्वितीय यह कि साक्ष्य पेश नहीं कर केवल मात्र समझौते में समाविष्ट तथ्यों पर विवाद के सम्बन्ध में बहस कर न्यायाधिकरण से निर्णय देने के लिए निवेदन करते।

9. हस्तगत मामले में पक्षकारान ने साक्ष्य तो पेश करना शुरू कर दिया परन्तु वे उसे पूरी करने की अन्तिम परिणीति तक नहीं ले जा पाये, अर्थात् प्रार्थीगण केवल शपथ-पत्र पेश करके ही रह गये एवं जिरह नहीं करवा पाये, अतः शपथ-पत्र एक प्रकार से जिरह के अभाव में कानूनन साक्ष्य में ग्राह्य नहीं रखते हैं। अतः इन शपथ-पत्रों को कोई महत्व इन परिस्थितियों में नहीं दिया जा सकता है। अप्रार्थी की ओर से कोई साक्ष्य पेश नहीं हुई है। अतः यह आसानी से कहा जा सकता है कि इस मामले में पक्षकारों की ओर से किसी प्रकार की कोई साक्ष्य पत्रावली पर नहीं आयी है।

10. जब पक्षकारों की कोई साक्ष्य ही नहीं आयी है तो अब क्या न्यायाधिकरण अप्रार्थी के प्रतिनिधि की बहस सुनकर समझौते के विवेचन की व्याख्या आदि कर सकता है? इस सम्बन्ध में भी इस न्यायाधिकरण का यह अभिमत है कि जहां पक्षकारों के मध्य यदि कोई समझौता सम्पन्न हुआ है तो उसे समझौते के अर्थान्वयन, व्याख्या आदि के लिए दोनों ही पक्षों को सुनना आवश्यक है अन्यथा तो फिर एक पक्ष को सुनकर ही उस समझौते की वैधता आदि के सम्बन्ध में विवेचन करना एकतरफा विनिश्चय की तरह ही हो जायेगा। इस सम्बन्ध में माननीय राज. उच्च न्यायालय का न्यायनिर्णय "राधेश्याम शर्मा बनाम राज. राज्य-डीएनजे 2012(1) राज." पृष्ठ 505 महत्वपूर्ण है। इस मामले में यह प्रतिपादित किया गया कि जहां किसी केन्द्रीय अधिनियम की संवैधानिक वैधता का विनिश्चय किया जाना अपेक्षित है तो उसमें एक आवश्यक पक्षकार की अनुपस्थिति में ऐसा नहीं किया जा सकता। अब हस्तगत मामला भले ही किसी केन्द्रीय या राज्य के अधिनियम ही वैधता से सम्बन्धित नहीं है परन्तु दोनों ही पक्षकारों के मध्य निष्पादित हुए समझौते के अर्थान्वयन, व्याख्या आदि से सम्बन्धित है। अतः ऐसे में केवल एक पक्ष की बहस सुनकर ही समझौते के अर्थान्वयन या व्याख्या आदि किया जाना उचित नहीं है। हस्तगत मामले में जब प्रार्थीगण की ओर से कोई उपस्थित ही नहीं हुआ तो फिर उनकी ओर से इस समझौते की व्याख्या, अर्थान्वयन आदि बाबत भी उनका पक्ष नहीं सुना जा सकता एवं ऐसे में केवल मात्र अप्रार्थी के अभिकथनों के आधार पर इस समझौते का अर्थान्वयन या व्याख्या करना भी समीचीन नहीं कहा जा सकता।

11. अतः सार रूप में इस रेफ्रेन्स के विवाद के सम्बन्ध में हम यह कह सकते हैं कि सर्वप्रथम तो पक्षकारों की ओर से किसी प्रकार की कोई साक्ष्य इस मामले में पेश नहीं हुई है, द्वितीय, पक्षकारों द्वारा ऐसा भी कहीं कोई निवेदन नहीं किया गया है कि न्यायाधिकरण केवल समझौते की ही व्याख्या करे एवं यदि व्याख्या भी किया जाना होता तो उस सम्बन्ध में उभयपक्ष को सुनना भी आवश्यक था एवं बहस के दौरान प्रार्थी पक्ष की

ओर से कोई उपस्थित ही नहीं हुआ, अतः उन्हें इस समझौते के अर्थान्वयन, व्याख्या, उसकी भाषा या इसके आशय बाबत किसी भी रूप में नहीं सुना जा सका। अतः उन्हें सुने बिना समझौते का एकपक्षीय रूप से अर्थान्वयन, व्याख्या या निर्वचन किया जाना भी समीचीन नहीं है। सार रूप में इन परिस्थितियों में प्रार्थी को कोई अनुतोष भी दिया जाना सम्भव नहीं है। अनुतोष तो तब दिया जाता जबकि उभयपक्ष को उस समझौते बाबत सुनकर के उसके अर्थान्वयन या निर्वचन बाबत न्यायाधिकरण यह निष्कर्ष निकालता कि वास्तव में पक्षकारान के मध्य सम्पन्न हुए समझौते दि. 12-9-88 के खण्ड सं. 6 व 7 में शट डाउन के लिए निर्धारित अवधि से कम दिनों में यदि मरम्मत का काम पूरा कर लिया है एवं यदि बचे हुए दिनों में उत्पादन हुआ है तो उन बचे हुए दिनों से उत्पादन के लिए प्रार्थीगण 20% की राशि प्राप्त करने के अधिकारी बनते हैं या नहीं एवं क्या वह 20% की राशि खण्ड 6 में वर्णित अधिकतम 27% की सीलिंग के अन्तर्गत आती है या नहीं?

12. अतः ऊपर दिये गये विवेचन के आधार पर इस न्यायाधिकरण की राय में प्रार्थीगण ना ही साक्ष्य से अपना मामला साबित कर पाये हैं एवं ना ही वे समझौते के निर्वचन, अर्थान्वयन या व्याख्या आदि बाबत न्यायाधिकरण के समक्ष अपना पक्ष रखने हेतु उपस्थित आये हैं, अतः ऐसी परिस्थितियों में प्रार्थीगण/प्रार्थी यूनियन कोई अनुतोष प्राप्त करने के अधिकारी नहीं बनते हैं।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त प्रासंगिक आदेश सं० एल-42025/2/93-आई आर (डीयू) दिनांक 7-5-93 के जरिये सम्प्रेषित निर्देश (रेफ्रेन्स) को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थीगण/प्रार्थी यूनियन ना तो साक्ष्य से अपना मामला साबित कर पाये हैं एवं ना ही वे समझौते दिनांक 12-9-88 के निर्वचन, अर्थान्वयन या व्याख्या आदि बाबत न्यायाधिकरण के समक्ष अपना पक्ष रखने हेतु उपस्थित आये हैं, अतः ऐसी परिस्थितियों में प्रार्थीगण/प्रार्थी यूनियन कोई अनुतोष प्राप्त करने के अधिकारी नहीं हैं।

प्रकाश चन्द्र पगारीया, न्यायाधीश

नई दिल्ली, 27 सितम्बर, 2012

का.आ. 3247.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, एम. टी. एन. एल. लि., बान्द्रा प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, मुम्बई के पंचाट (संदर्भ संख्या सी. जी. आई. टी.-2/160 ऑफ 1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-09-2012 को प्राप्त हुआ था।

[सं. एल-40011/09/1998-आईआर (डीयू)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3247.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/160 of 1998) of the Central Government Industrial Tribunal-Cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the employers in relation to The General Manager, MTNL Ltd. Bandra and their workman, which was received by the Central Government on 25-09-2012.

[No. L-40011/09/1998-IR(DU)]

SURENDRA KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present

K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/160 OF 1998

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF MAHANAGAR TELEPHONE
NIGAM LTD.

The General Manager,

Mahanagar Telephone Nigam Ltd.

Through: Sub Divisional Engineer (Building)

Bandra Telephone Exchange

Bandra

Mumbai 400 050.

AND

THEIR WORKMEN.

The General Secretary,

Bombay Telephone Canteen Employees

Association

C/o. Prabhadevi Telephone Exchange Canteen

1st floor

Dadar (W)

Mumbai-400 028.

APPEARANCES:

For the Employer : Mr. V. Narayanan,
Advocate.

For the Workmen : Mr. M.B. Anchan,
Advocate.

Mumbai dated the 24th July, 2012.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-40011/9/98-IR (DU), dated 30-11-1998 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of MTNL, Mumbai by terminating the services of S/Shri S.S. Shetty, Premnath Shetty, K. Nagaraj, Bearer, Shashidar Shetty, Bearer, M.Mohammad Gause, Bearer L. Ramu, Cook and S. Jaganath, Bearer I legal & Justified? If not, what relief the workmen are entitled to?”

2. The reference was restored as per order dated 15-06-2001 passed in Misc/Appln/CGIT-2/3/2000. Both the parties were served with notices of the reference. The first party management appeared through their legal representative and filed their written statement at Ex-17. The reference was adjourned on number of occasions waiting for the judgement of Hon'ble Supreme Court on the point of jurisdiction. Advocate for the union prayed that since the matter was not stayed, the reference may be proceeded further. Therefore the matter was fixed for cross examination of WW-1. Today, Ld. Adv. for the union filed application (Ex-28) for disposing the reference as the union does not want to prosecute the reference.

3. Since the union does not want to pursue the reference, I think it proper to dismiss the reference for want of prosecution. Thus I pass the following order:

ORDER

The reference is dismissed for want of prosecution with no order as to cost.

Date: 24-07-2012

K.B. KATAKE, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3248.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 08/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2012 को प्राप्त हुआ था।

[सं. एल-12011/19/2006-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 27th September, 2012

S.O. 3248.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the Award (Ref. No. 08/2007) of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 27-09-2012.

[No. L-12011/19/2006-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW****PRESENT**

DR. MANJU NIGAM, Presiding Officer

I.D. No. 08/2007

Ref. No. L-12011/19/2006-IR (B-I) dated: 28-02-2007

BETWEEN

The General Secretary,

UP Bank Workers Organization

32, Chakarata Road

Dehradun

(Espousing cause of Shri Mohan Kumar)

AND

The Asstt. General Manager,

State Bank of India

Region-1, Zonal Office

New Cantt. Road

Dehradun (UA)

AWARD

1. By order No. L-12011/19/2006-IR (B-I) dated: 28-02-2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, UP Bank Workers Organization, 32, Chakarata Road, Dehradun and the Asstt. General Manager, State Bank of India, Region-1, Zonal Office, New Cantt. Road, Dehradun for adjudication.

2. The reference under adjudication is:

“Whether the action of the management of State Bank of India, langha branch, distt. Dehradun not to make the payment of 1/3rd of wages to Shri Mohan Kumar,

part time sweeper is legal, fair and justified? If not, to what relief he is entitled to?

3. It is admitted case of the parties that the workman, Mohan Kumar, had been reinstated as part time sweeper in compliance of this Tribunal's award dated 1-03-2002.

4. It has been submitted by the workman's union that the workman was transferred and relieved vide letter dated 12-05-2005 and was directed to report to Asstt. General Manager- (I), which vide their letter dated 16-05-2005 appointed the workman as part time sweeper on 1/3 scale and other conditions. It has been alleged by the union that the Bank did not pay 1/3 scale rather it made the workman to receive letter dated 9-09-2005, accordingly to which his salary was to be remain same i.e. Rs. 440 per month as before. Hence, the workman's union has prayed that the management be directed to make payment to the workman on 1/3 of the scale since 16-05-2005 and regularize his services.

5. Denying the allegations of the workman's union the management has submitted that the workman has never been appointed as a permanent part time sweeper on 1/3rd wages. On the contrary, vide letter dated 9-09-2005, duly received by the workman on 16-09-2005, the Bank has informed him that his services shall be availed by the Bank only for 3 hours in a week and for which he would be paid Rs. 440. Further, it has submitted that the workman is not entitled for regularization in view of Hon'ble Apex Courts' decision in Secretary, State of Karnataka vs. Umadevi (2006) 4 SCC 1. Accordingly, the management has prayed that the claim of the workman's union be rejected without any relief to the workman concerned.

6. The workman has filed rejoinder whereby he has only reiterated his averments already made in the statement of claim and has introduced nothing new.

7. The parties have filed documentary proof in support of their respective cases. The workman has examined himself whereas the management examined Shri V.D. Pant, Chief Manager (HR) in support of their case. The parties availed opportunity to cross-examine the each other's witnesses. The management's witness was cross-examined on 26-04-2011; and thereafter, 20-07-2011 was fixed for arguments. But the opposite party did not turn up, which resulted into fixing the date 6-09-2011. On 06-09-2011 again, the management remained absent; likewise it did not turned up on 24-11-2011, 25-10-2011, 11-04-2012 and 31-05-2012 to advance its arguments; accordingly, keeping in view the long pendency of the case since 2007 and reluctance of the opposite party to argue their case the case was reserved for award after hearing the workman only.

8. It is the case of the workman that the management vide their letter dated 16-05-2005 appointed him as part time sweeper on probation at Langha Branch of the Bank on 1/3 scale; but it did not abide by the terms declared by it in its own letter dated 16-05-2005, which he was supposed to.

9. In rebuttal the management has come forward with the case that the workman had been paid @ Rs. 440 per month for the work 1/2 hours a day and he had been informed of the same vide letter dated 09-09-2005, duly received by him on 16-09-2005. further, it has also submitted that the claim of the workman for regularization is not maintainable in the light of latest pronouncement of the Hon'ble Apex Court. In this regard it has relied on Secretary, State of Karnataka vs. Umadevi (2006) 4 SCC 1.

10. The workman's union has filed photo copy of following documents:

- (i) Letter dated 12-5-2005 transferring the workman, paper No. 5/1.
- (ii) Letter dated 16-05-2005 regarding appointment of the workman as part time sweeper, paper No. 5/2/ to 5/2-B.
- (iii) Letter dated 09-09-2005 regarding payment term to workman, paper No. 5/3.
- (iv) Letter dated 29-4-2006 regarding one Mangi Lal, paper No. 5/4.
- (v) Award dated. 1-3-2002 of this Tribunal, paper No. 5/5.
- (vi) Certificate dated 11-3-1965, Paper No. 5/6.

In rebuttal, the management of the Bank has not filed any document.

11. I have given my thoughtful consideration to the rival contentions of the authorized representatives of the parties and scanned entire evidence on record.

12. It is the case of the workman's union that the management while appointing him as part time sweeper on probation in Langha Branch of the Bank on 1/3 scale; but it did not abide with the term fixed it itself and has adopted unfair labour practice by making him Rs. 440 per month. The management has denied the claim of the workman and has submitted that the letter dated 16-05-2005, relied on by the workman's union is though genuine but the contents are not admitted.

13. The workman's union has examined the workman in support of its case who has stated in the cross-examination that he has not under gone any recruitment process; but he has been reinstated in view of the award of the CGIT, Lucknow. In rebuttal, the management witness has stated that there is no provision of engaging the workman on 1/3 scale.

3928 27/12-15

14. From perusal of the respective pleading of the parties and evidence on record it is apparent that the claim of the workman rests on the letter dated 16-05-2005 of the management, paper No. 5/2 to 5/2-B; whereby he was appointed on probation on 1/3rd scale. The genuineness of the document i.e. letter dated 16-05-2005 was admitted; but the contents not admitted. By this it may be inferred that alleged letter dated 16-05-2005, paper No. 5/2 to 5/2-B was issued by the management of the Bank. It has not been stated anywhere that the alleged document is fabricated or forged rather its genuineness was admitted. The management witness, Shri V.D. Pant also verified the signature of the signatory i.e. Sandeep Tiwari who has signed the alleged document/letter dated 16-05-2005, paper No. 5/2 to 5/2-B. Here it is important to mention that if the contents were wrong, not correct and some addition or alteration was made, then it was onus of the management to file the original one to prove their contentions.

15. Admittedly, the workman is working at the consolidated wages of Rs. 750 per month at present and the claim of the workman's union is grant of 1/3rd of the scale and regularization of the services of the workman. In this regard it is settled position of law that when a person takes entry into services without going through the prescribed recruitment procedure, he cannot claim for regularization of his services. Also, the reference under adjudication before this Tribunal is regarding validity of not granting 1/3rd scale to the workman and not regarding regularization of his services; and this Tribunal has no jurisdiction to travel beyond the schedule of reference. Hence, the demand of the workman's union for regularization of the services of the workman cannot be considered in the present industrial dispute.

16. As regards grant of 1/3rd scale to the workman, the workman's union has heavily relied on the terms mentioned in the letter dated 16-05-2005, which incorporates the grant of 1/3rd scale to the workman; but the management has disputed the contents of the said letter. On the contrary it has admitted the genuineness of the letter dated 16-05-2005 and its witness has verified the signatures for the signatory on the said letter. Accordingly, in the circumstances, it was incumbent upon the management to file the original document/letter dated 16-05-2005 to show that there was some addition or alteration in the contents of the letter dated 16-05-2005, paper No. 5/2 to 5/2-B; but it failed to do so. Besides the management witness also stated that payment is decided on the basis of the area of the branch and the rule for payment of 1/3rd, 1/2 and 3/4 scale was on the basis of the area; but the said Rule is also not on record.

17. Thus, in view of the facts and circumstances of the case it is apparent that the management firstly reinstated the workman in wake of award dated 1-03-2002 in I.D. No. 08/2001 and thereafter, formally appointed him as part time sweeper on probation on 1/3rd time scale in Langha

branch of the bank *vide* letter dated 16-05-2005; but latter informed the workman *vide* letter dated 09-09-2005 that he shall be getting Rs. 440 per month as usual, which is unjust. Hence, I am of the considered opinion that the action of the management of the State Bank of India, Langha Branch in not making payment of 1/3rd scale of wages to the workman is illegal and unjust.

18. Accordingly, the reference is adjudicated in favour of the workman's union; and in my opinion the workman, Mohan Kumar he is entitled to get 1/3rd scale of the wages as mentioned in letter dated 16-05-2005 of the Bank from the date he reported at Langha Branch of the State Bank of India.

Award as above.

Dr. MANJU NIGAM, Presiding Officer

LUCKNOW.

13-09-2012

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3249.—औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असंसोल के पंचाट (संदर्भ संख्या 33/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2012 को प्राप्त हुआ था।

[सं. एल-22012/571/1994-आई आर (सी-II)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3249.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/1995) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 27-09-2012.

[No. L-22012/571/1994-IR(C-II)]

B.M. PATNAIK, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI JAYANTA KUMAR SEN, Presiding Officer

REFERENCE No. 33 OF 1995.

PARTIES: The management of Dhemomain
Colliery of M/s ECL, Burdwan

Vs.

The Org. Sec. Colliery Mazdoor Sabha (INTUC),
M/s. ECL, Burdwan (W.B.).

REPRESENTATIVES:

For the management : Sri P.K. Das, Advocate

For the union (Workman) : None

INDUSTRY: COAL STATE: WEST BENGAL

Dated: 06-09-2012

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/571/94-IR(CM-II) dated 22.06.1995 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Dhemomain Colliery of M/s ECL in not allowing to resume duty to Shri Bipan Bouri, P.R. Stone Clearer is justified? If not, to what relief is the concerned workman entitled to?”

Having received the Order of Letter No. L-22012/571/94-IR (CM-II) dated 22-06-1995 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 33 of 1995 was registered on 29-06-1995 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that the workman is neither appearing nor taking any step since long. It seems that the workman has now no more interest to contest the case. Since the case is very old and the workman not at all showing his interest to proceed with the case further I think it will be just and proper to close the case. As such the case is closed and accordingly an order of “No Dispute” is hereby passed.

ORDER

Let an “Award” be and the same is passed as no dispute existing, Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

JAYANTA KUMAR SEN, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3250.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असंसोल के पंचाट (संदर्भ संख्या 39/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2012 को प्राप्त हुआ था।

[सं. एल-22012/122/1993-आई. आर. (सी-II)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3250.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/1993) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 27-09-2012.

[No. L-22012/122/1993-IR(C-II)]

B.M. PATNAIK, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT : Sri Jayanta Kumar Sen,
Presiding Officer

REFERENCE No. 39 OF 1993.

PARTIES : The management of Gourandi (R) Colliery
of M/s ECL, Burdwan

Vs.

The Asst. Sec. Colliery Mazdoor Sabha of
India, M/s. ECL, Burdwan (W.B.).

REPRESENTATIVES:

For the management : Sri P.K. Das, Advocate

For the union (Workman) : None

INDUSTRY: COAL STATE: WEST BENGAL

Dated: 06-09-2012

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/

122/93-IR(C-II) dated 23-08-1993 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Gourandi (R) Colliery of M/s. ECL in not regularising Shri Puna Nunia, General Mazdoor to the post of pit clerk from 1983 and also depriving him of the difference of wages of clerical grade as per NCWA is legal and justified? If not, to what relief is the concerned workman entitled to?”

Having received the Order of Letter No. L-22012/122/93-IR (C-II) dated 23-08-1993 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 39 of 1993 was registered on 27-08-1993 and accordingly an order to that effect was passed to issue notice through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record, I find that the neither Union nor workman is taking any step. Even neither the workman nor the union is appearing since long. It seems that the workman has now no more interest to proceed with the case. Since the case is very old and the workman not at all interested to proceed with the case further it will be proper to close the case. As such the case is closed and accordingly an order of “No Dispute” is hereby passed.

ORDER

Let an “Award” be and the same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

JAYANTA KUMAR SEN, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3251.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल एविएशन कम्पनी आफ इण्डिया लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, नई दिल्ली के पंचाट (आई डी संख्या 42/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2012 को प्राप्त हुआ था।

[सं. एल-11012/40/2005-आई आर (सी एम-1)]

अजीत कुमार, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3251.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Aviation Company of India Ltd. and their workman, which was received by the Central Government on 27-09-2012.

[No. L-11012/40/2005-IR(CM-I)]

AJEET KUMAR, Section Officer

ANNEXURE

**IN THE COURT OF SHRI SATNAM SINGH,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, KARKARDOOMA,
DELHI-110032**

ID No. 42/08

In the matter between: Dated: 27.08.2012

Shri Om Prakash son of Shri Dhumi Singh,
R/o 1462/3 Rajiv Nagar, Delhi Road,
Haryana.

...Workman

Versus

The Manager (Personnel),
National Aviation Co. of India Ltd.
(Air India) IGI airport, Terminal-II
New Delhi-110037.

... Management

AWARD

The Central Government, Ministry of Labour vide Order No. L-11012/40/2005-IR (CM-I) dated 24-03-2009 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether retrenchment of Shri Om Parkash, 'Suraksha Kamgar', took place without adherence by the management of National Aviation Company of India Limited (erstwhile Air India Limited) to the provisions of Section 25(F) of the I.D. Act? (ii) To what relief is the workman concerned entitled?”

Statement of claim was filed by the workman in August, 2009, Written statement was filed by the management in February, 2010. After the completion of the pleadings, the matter was fixed for evidence of the workman. Thereafter

the workman is not attending this case for the last so many dates of hearing. In fact, since 22.7.2011 he has never attended the proceedings. He has also not filed his affidavit by way of evidence. It is thus evident that he is not interested in the outcome of this reference. In these circumstances, there is no way out except to pass a no dispute award in this case which is passed accordingly. The reference sent by the Central Government stands disposed of accordingly.

Dated: 27-08-2012

SATNAM SINGH, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2012

का. आ. 3252.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कम्बेटा एविएशन प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (आई डी संख्या 89/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2012 को प्राप्त हुआ था।

[सं. एल-20013/4/2012-आई आर (सी-1)]

अजीत कुमार, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3252.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 89/2012) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s. Combata Aviation Pvt. Ltd. and their workman, which was received by the Central Government on 27-09-2012.

[No. L-20013/4/2012-IR(C-I)]

AJEET KUMAR, Section Officer.

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I
KARKARDOOMA COURT COMPLEX DELHI**

I.D. No. 89/2012

Shri Tasleem Arif
S/o Sh. Abdul Quayam,
R/o RZF-762/8, Gali No. 4,
Raj Nagar Part-II,
Palam Colony, New Delhi

... Workman

Versus

1. M/s. Combata Aviation Pvt. Ltd.,
I.G.I. Airport Terminal II,
Line maintenance Block, "A",
New Delhi.
2. The Regional Dy. Commissioner,
of Security (CA)
Bureau of Civil Aviation Security,
Mahipalpur Road, New Delhi. ...Management

AWARD

On night intervening 19th and 20th of October, 2011, Shri Taslim Arif and Shri Sudesh Kumar, employees of Cambata Airlines Pvt. Ltd. (in short the management) were on duty on belt No. 9, Arrival Hall, 3rd Terminal, Indira Gandhi International Airport, New Delhi. Ms. Kamaljit Kaur, who had come from Hong Kong by flight No. CX 695, lost her black colour hand baggage containing valuables from baggage Trolley. She was helped by Shri Taslim Arif and Shri Sudesh Kumar in loading her baggage from the belt to the trolley. She paid 10 Canadian dollars to them for help rendered by them. When she found her hand baggage missing, she made a complaint to the CISF personnel, namely, Shri Satender Singh and Shri Dhananjay Singh, who were there on duty. Photo identity cards of Shri Taslim Arif and Shri Sudesh Kumar were taken into possession by the aforesaid officials of CISF. Shri Taslim Arif and Shri Sudesh Kumar were handed over to police. Footage of the CCTV camera was checked but no leading evidence could be found. Police released them. Later on, lost baggage was retrieved and handed over to the passenger. However, photo identity cards of Shri Taslim Arif and Shri Sudesh Kumar were not released. Without their photo identity cards, they were unable to enter the premises of the airport. Consequently they could not perform their duties with the management. They perceived it to be an act of deemed retrenchment of their services by the management.

2. An industrial dispute was raised by them before the Conciliation Officer, on 3-2-2012, pleading therein that their services were dispensed with, with effect from 19-10-2011. The Conciliation Officer started the conciliation proceedings. When a period of 45 days stood expired from the date of making an application before the Conciliation Officer, Shri Taslim Arif approached this Tribunal with his claim statement under the provisions of Sub-section (2) of Section 2A of the Industrial Disputes Act, 1947 (in short the Act). Provisions of Sub-section (2) of Section 2A of the Act empowers a workman to file his dispute before the Tribunal without being referred by the appropriate Government, after expiry of 45 days from the date on which he had made application to the Conciliation Officer for conciliation of his dispute, in case of discharge, dismissal, retrenchment or otherwise termination of his services. Claim put forward by Shri Taslim Arif was not hit by the provisions of Sub-section (3) of Section 2A of the Act, hence it was entertained by this Tribunal.

3928 97/12-16

3. In his claim statement, the claimant projects that he was employed as utility hand-cum-sweeper, by the management with effect from 16-4-2001. He was being paid Rs. 18,000.00 per month as his wages. On the night intervening 19th and 20th October, 2011, a lady passenger arrived at Arrival Hall, Terminal 3rd, Indira Gandhi International Airport, New Delhi. She lost her baggage due to mistake and made an oral complaint in that regard to CISF personnel against him. He was apprehended and handedover to police. Case under section 379 of the Penal Code was registered. When nothing incriminating was found against him, he was released by the police. In the meantime, the lady passenger informed the police that her baggage was retrieved and handedover to her.

4. On oral complaint of the lady passenger, his photo identity card and biometric card were taken away by the CISF personnel forcibly. Those cards were sent by them to the Regional Deputy Commissioner (Security), Bureau of Civil Aviation Security, Mahipalpur Road, Delhi, which are withheld by the said office. Management failed to collect his photo identity card and biometric card from the aforesaid office. No positive efforts were made by the management to get his photo identity card and biometric card released or issued it afresh. By not taking steps to ensure smooth passage of the claimant inside the airport, management is deemed to have terminated his services with effect from 19-10-2011. He had continuously worked with the management from 01-04-2002 to 19-10-2011. Termination of his services is in violation of the provisions of Section 25F of the Act. He claims reinstatement in service of the management with continuity and full back wages.

5. Claim was demurred by the management pleading that services of the claimant had not been terminated, as such, question of his reinstatement does not arise. Claimant continues to be on pay roll of the management. The claimant has not been able to report for his duty at the airport since 19-10-2011. Management pleads that the entry into the airport is restricted and regulated through entry passes such as photo identity card and biometric card, which are issued by the Bureau of Civil Aviation Security, Ministry of Civil Aviation, Government of India, New Delhi. Without photo identity card, the claimant is unable to enter the premises of the airport, to carry out his duties.

6. It is not disputed that the claimant is working with the management since 16-04-2001 as utility hand. He was on duty on belt No.9, Arrival Hall, Terminal 3rd, Indira Gandhi International Airport on night intervening 19th and 20th October, 2011. He along with Shri Sudesh Kumar helped a passenger in loading her four registered baggage on trolley from the belt. She paid some money to the claimant and his associate for that purpose. Subsequently, she made a complaint that her hand bag was lost. On their physical search, 10 Canadian dollars were recovered, which were sought by them as payment from the lady passenger for

help rendered to her. On account of recovery of 10 Canadian dollars from their possession, CISF officials seized their photo identity cards. Case under section 379 of the Penal Code was also registered. After interrogation, claimant was released by the police. When his photo identity card and biometric card were not released, the management took up the matter with the concerned authorities on numerous occasions *vide* their letters dated 04-01-2012, 07-03-2012, 30-03-2012 and 18-04-2012.

7. Management had made all efforts and requested the authorities to retrieve photo identity card and biometric card of the claimant at the earliest. Though the claimant has not been able to report for duty at the airport since 19-10-2011, yet the still continues to be on pay roll of the management. His services have not been terminated. Under these circumstances, there cannot be any question of reinstatement of his service with continuity and full back wages.

8. Documents annexed by the management, along with its written statement, were not disputed by the claimant. Since those documents were admitted, hence it were marked as Exts. M1 to M19. From these admitted documents, case projected by the management stood substantiated.

9. Claimant opted not to adduce any evidence. Management also claimed that in view of admission of documents by the claimant, no evidence was required in the matter. Thus the parties had not adduced any evidence in the case.

10. Arguments were heard at the bar. Shri S.B. Shailey, authorized representative, advanced arguments on behalf of the claimant. Shri Pankaj Kumar, Executive (IIR), presented facts on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the records. My findings on issues involved in the controversy are as follows:

11. As emerged out of the record, photo identity card and biometric card of the claimant were seized by the CISF personnel on 20-10-2011, when a complaint was made by Ms. Kamaljit Kaur. It was claimant and his associate, Shri Sudesh Kumar, who helped Ms. Kaur in loading her four registered baggage on trolley from the belt. Claimant and his associate were searched and 10 Canadian dollars were recovered from their possession, which amount was taken by them from the passenger for services they had rendered to her. Case under Section 379 of the Penal code was registered and the claimant and his associate were interrogated by the police. Hand bag of Ms. Kaur was retrieved and handedover to her by the authorities. Since the claimant was found not involved in theft, he was released by the police.

12. Photo identity card No. AEC No.-NGP11029480 and biometric card No.999001849, belonging to the claimant, were sent to the Regional Deputy Commissioner (Security),

Bureau of Civil Aviation Security, Mahipalpur Road, Delhi, by the CISF authorities *vide* letter No. IC-17098(5)/CISF/IGIA/INT/BCAS/11 dated 21.10.2011. As photo identity card and the biometric card have not been released in his favour, the management also wrote letters to the authorities for release of the aforesaid cards, but to no avail. Airport is a restricted area where an employee cannot enter into without showing his photo identity card and biometric card to the authorities. Since the claimant is not in possession of the aforesaid cards, he is unable to perform his duties with effect from 20.10.2011. This situation prevented him to report for his duties.

13. Whether management took steps for discharge, dismissal, retrenchment or otherwise termination of services of the claimant? As facts unfolded by the management, in its written statement, are not in dispute, out of facts pleaded therein it emerges that the management wrote various letters to the authorities for release of photo identity card and biometric cards of the claimant, but could not succeed. It seems that issue relating to recovery of 10 Canadian dollars from the claimant and his associate is still under consideration with the authorities. Shri Sanjay Sharma, Assistant Commissioner (Security) Bureau of Security, Civil Aviation, is present before the Tribunal. He presents that in the event of verification being found in order, duplicate photo identity card can be issued in favour of the claimant. All these facts bring it over the record that in seizure of photo identity card and biometric card of the claimant, management had not played any role. Management made every effort to get his cards released. Without photo identity card and biometric card, the claimant is unable to enter restricted area of the airport. Consequently, it cannot be said that there was any act on the part of the management, which restrained the claimant from making his entry inside the airport to perform his duties. Neither there is discharge, dismissal, retrenchment nor otherwise termination of service of the claimant. Contra to it, management projects that the claimant is still on its pay rolls. All these facts constraints me to conclude that neither discharge, dismissal, retrenchment nor otherwise termination of his service took place. There are no circumstances which may justify the claimant to present an industrial dispute under the provisions of sub-section (2) of Section 2A of the Act. His claim is not maintainable. The same is discarded. An award is, accordingly, passed in favour of the management and against the claimant. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

Dated: 10-09-2012

नई दिल्ली, 27 सितम्बर, 2012

का. ओ. 3253.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार कम्बाट एविएशन

प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (आई डी संख्या /90/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2012 को प्राप्त हुआ था।

[सं.एल-20013/4/2012-आईआर(सी-1)]

अजीत कुमार, अनुभाग अधिकारी

New Delhi, the 27th September, 2012

S.O. 3253.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/2012) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Combata Aviation Pvt. Ltd. and their workman, which was received by the Central Government on 27.09.2012.

[No. L-20013/4/2012-IR(C-I)]

AJEET KUMAR, Section Officer

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1,
DELHI**

I.D. No. 90/2012

Shri Sudesh Kumar
S/o Sh. Sumer Singh,
R/o RZP-346, Raj Nagar Part-II,
Palam Colony, New Delhi.

... Workman

Versus

1. M/s. Combata Aviation Pvt. Ltd.,
I.G.I. Airport Terminal II,
Line Maintenance Block "A",
New Delhi.
2. The Regional Dy. Commissioner,
of Security (CA)
Bureau of Civil Aviation Security,
Mahipalpur Road,
New Delhi.

... Management

AWARD

On night intervening 19th and 20th of October, 2011, Shri Sudesh Kumar and Shri Taslim Arif, employees of Combata Airlines Pvt. Ltd. (in short the management) were

on duty on belt no. 9, Arrival Hall, 3rd Terminal, Indira Gandhi International Airport, New Delhi. Ms. Kamajit Kaur, who had come from Hong Kong by flight No. CX 695, lost her black colour hand baggage containing valuables from baggage trolley. She was helped by Shri Sudesh Kumar and Shri Taslim Arif in loading her baggage from the belt to the trolley. She paid 10 Canadian dollars to them for help rendered by them. When she found her hand baggage missing, she made a complaint to the CISF personnel, namely, Shri Satender Singh and Shri Dhananjay Singh, who were there on duty. Photo identity cards of Shri Sudesh Kumar and Shri Taslim Arif were taken into possession by the aforesaid officials of CISF. Shri Sudesh Kumar and Shri Taslim Arif were handedover to police. Footage of the CCTV camera was checked but no leading evidence could be found. Police released them. Later on, lost baggage was retrieved and handedover to the passenger. However, photo identity cards of Shri Sudesh Kumar and Shri Taslim Arif were not released. Without their photo identity cards, they were unable to enter the premises of the airport. Consequently they could not perform their duties with the management. They perceived it to be an act of deemed retrenchment of their services by the management.

2. An industrial dispute was raised by them before the Conciliation Officer, on 03-02-2012, pleading therein that their services were dispensed with, with effect from 19.10.2011. The Conciliation Officer started the conciliation proceedings. When a period of 45 days stood expired from the date of making an application before the Conciliation Officer, Shri Sudesh Kumar approached this Tribunal with his claim statement under the provisions of sub-section (2) of Section 2A of the Industrial Disputes Act, 1947 (in short the Act). Provisions of sub section (2) of Section 2A of the Act empowers a workman to file his dispute before the Tribunal without being referred by the appropriate Government, after expiry of 45 days from the date on which he had made application to the Conciliation Officer for conciliation of his dispute, in case of discharge, dismissal, retrenchment or otherwise termination of his services. Claim put forward by Shri Sudesh Kumar was not hit by the provisions of sub-section (3) of Section 2 A of the Act, hence it was entertained by this Tribunal.

3. In his claim statement, the claimant projects that he was employed as utility hand-cum-sweeper, by the management with effect from 10-01-2008. He was being paid Rs. 9,000.00 per month as his wages. On the night intervening 19th and 20th October, 2011, a lady passenger arrived at Arrival Hall, Terminal 3rd, Indira Gandhi International Airport, New Delhi. She lost her baggage due to mistake and made an oral complaint in that regard to CISF personnel against him. He was apprehended and handedover to police. Case under section 379 of the Penal Code was registered. When nothing incriminating was found against him, he was released by the police. In the meantime, the lady passenger informed the police that her baggage was retrieved and handedover to her.

4. On oral complaint of the lady passenger, his photo identity card and biometric card were taken away by the CISF personnel forcibly. Those cards were sent by them to the Regional Deputy Commissioner (Security), Bureau of Civil Aviation Security, Mahipalpur Road, Delhi, which are withheld by the said office. Management failed to collect his photo identity card and biometric card from the aforesaid office. No positive efforts were made by the management to get his photo identity card and biometric card released or issued it afresh. By not taking steps to ensure smooth passage of the claimant inside the airport, management is deemed to have terminated his services with effect from 19-10-2011. He had continuously worked with the management from 10-01-2008 to 19-10-2011. Termination of his services is in violation of the provisions of Section 25F of the Act. He claims reinstatement in service of management with continuity and full back wages.

5. Claim was demurred by the management pleading that services of the claimant had not been terminated, as such, question of his reinstatement does not arise. Claimant continues to be on pay roll of the management. The claimant has not been able to report for his duty at the airport since 19.10.2011. Management pleads that the entry into the airport is restricted and regulated through entry passes such as photo identity card and biometric card, which are issued by the Bureau of Civil Aviation Security, Ministry of Civil Aviation, Government of India, New Delhi. Without photo identity card, the claimant is unable to enter the premises of the airport, to carry out his duties.

6. It is not disputed that the claimant is working with the management since 10-01-2008 as utility hand. He was on duty on belt No. 9, Arrival Hall Terminal 3rd, Indira Gandhi International Airport on night intervening 19th and 20th October, 2011. He, along with Shri Taslim Arif, helped a passenger in loading her four registered baggage on trolley from the belt. She paid some money to the claimant and his associate for that purpose. Subsequently, she made a complaint that her hand bag was lost. On their physical search, 10 Canadian dollars were recovered, which were sought by them as payment from the lady passenger for help rendered to her. On account of recovery of 10 Canadian dollars from their possession, CISF officials seized their photo identity cards. Case under Section 379 of the Penal Code was also registered. After interrogation, claimant was released by the police. When his photo identity card and biometric card were not released, the management took up the matter with the concerned authorities on numerous occasions vide their letters dated 04-01-2012, 07-03-2012, 30-03-2012 and 18-04-2012.

7. Management had made all efforts and requested the authorities to retrieve photo identity card and biometric card of the claimant at the earliest. Though the claimant has not been able to report for duty at the airport since 19-10-2011, yet he still continues to be on pay roll of the

management. His services have not been terminated. Under these circumstances, there cannot be any question of reinstatement of his service with continuity and full back wages.

8. Documents annexed by the management, alongwith its written statement, were not disputed by the claimant. Since those documents were admitted, hence it were marked as Ex. M1 to M10. From these admitted documents, case projected by the management stood substantiated.

9. Claimant opted not to adduce any evidence. Management also claimed that in view of admission of documents by the claimant, no evidence was required in the matter. Thus the parties had not adduced any evidence in the case.

10. Arguments were heard at the bar. Shri S.B. Shailey, authorized representative, advanced arguments on behalf of the claimant. Shri Pankaj Kumar, Executive (HR), presented facts on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the records. My findings on issues involved in the controversy are as follows:

11. As emerged out of the record, photo identity card and biometric card of the claimant were seized by the CISF personnel on 20-10-2011, when a complaint was made by Ms. Kamaljit Kaur. It was claimant and his associate, Shri Sudesh Kumar, who helped Ms. Kaur in loading her four registered baggage on trolley from the belt. Claimant and his associate were searched and 10 Canadian dollars were recovered from their possession, which amount was taken by them from the passenger for services they had rendered to her. Case under Section 379 of the Penal code was registered and the claimant and his associate were interrogated by the police. Hand bag of Ms. Kaur was retrieved and handed over to her by the authorities. Since the claimant was found not involved in theft, he was released by the police.

12. Photo identity card no. PG01105663D and biometric card No. 999003251, belonging to the claimant, were sent to the Regional Deputy Commissioner (Security), Bureau of Civil Aviation Security, Mahipalpur Road, Delhi, by the CISF authorities vide letter No. IC-17098(5)/CISF/IGIA/INT/BCAS/11 dated 21-10-2011.

As photo identity card and biometric card have not been released in his favour, the management also wrote letters to the authorities for release of the aforesaid cards, but to no avail. Airport is a restricted area where an employee cannot enter into without showing his photo identity card and biometric card to the authorities. Since the claimant is not in possession of the aforesaid cards, he is unable to perform his duties with effect from 20-10-2011. This situation prevented his to report for his duties.

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13. Whether management took steps for steps for discharge, dismissal, retrenchment or otherwise termination of services of the claimant? As facts unfolded by the management, in its written statement, are not in dispute, out of facts pleaded therein it emerges that the management wrote various letters to the authorities for release of photo identity card and biometric cards of the claimant, but could not succeed. It seems that issue relating to recovery of 10 Canadian dollars from the claimant and his associate is still under consideration with the authorities. Shri Sanjay Sharma, Assistant Commissioner (Security) Bureau of Security, Civil Aviation, is present before the Tribunal. He presents that in the event of verification being found in order, duplicate photo identity card can be issued in favour of the claimant. All these facts bring it over the record that in seizure of photo identity card and biometric card of the claimant, management had not played any role. Management made every effort to get his cards released. Without photo identity card and biometric card, the claimant is unable to enter restricted area of the airport. Consequently, it cannot be said that there was any act on the part of the management, which restrained the claimant from making his entry inside the airport to perform his duties. Neither there is discharge, dismissal, retrenchment nor otherwise termination of service of the claimant. Contra to it, management projects that the claimant is still on its pay rolls. All these facts constraints me to conclude that neither discharge, dismissal, retrenchment nor otherwise termination of his service took place. There are no circumstances which may justify the claimant to present an industrial dispute under the provisions of sub section (2) of Section 2A of the Act. His claim is not maintainable. The same is discarded. An award is, accordingly, passed in favour of the management and against the claimant. It be sent to the appropriate Government for publication.

Dated: 10-9-2012

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 28 सितम्बर, 2012

का.आ. 3254.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार-बी.ई.एम.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण /श्रम न्यायालय जबलपुर के पंचाट (आईडी संख्या 1/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-09-2012 को प्राप्त हुआ था।

[सं. एल-42012/135/2001-आईआर(सीएम-II)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 28th September, 2012

S.O. 3254.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/04) of the Central Govt. Industrial Tribunal-cum-Labour Court Jabalpur, as

shown in the Annexure, in the Industrial dispute between the management of M/s Benmen Association Pvt. Ltd. (Contractor of BEML) and their workmen, received by the Central Government on 28.09.2012.

[No. L-42012/135/2001-IR(CM-II)]

B.M. PATNAIK, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/1/04

Presiding Officer: Shri Mohd. Shakir Hasan

Shri Mulchand Gondhle

Loki Kholi, Gajara Chowk,

Karmi Road, Bilaspur.

... Workman

Versus

The Managing Director,

M/s Benmen Association Pvt. Ltd.

(Contractor of BEML),

35-37 Moremnagar Colony,

Secunderabad (Karnataka)

...Management

AWARD

Passed on this 11th day of September, 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-42012/135/2001-IR(CM-II) dated 23-12-2003 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of M/s Benmen and Associates Private limited, Contractors under Bharat Earth Movers Limited in terminating the services of Shri Mulchand Gendhle, Security Guard w.e.f. 19-9-2000 is legal and justified? If not, to what relief the workman is entitled to?"

2. The workman did not appear in spite of notice several times. Lastly the reference proceeded exparte against the workman on 8-4-2010.

3. The management also did not appear in the case. This shows that now there is no dispute between the parties or the parties are not interested to raise industrial dispute. This is a case of no dispute. The reference is accordingly answered.

4. In the result no dispute award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 28 सितम्बर, 2012

का. आ. 3255.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार-मोरारजी देसाई नेशनल इन्स्टीट्यूट फार योगा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (आईडी संख्या 90/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-09-2012 को प्राप्त हुआ था।

[सं. एल-42012/151/2005-आईआर(सीएम-II)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 28th September, 2012

S.O. 3255.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 90/2011 of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial dispute between the management of Morarji Desai National Institute for Yoga, and their workmen, received by the Central Government on 28-09-2012.

[No. L-42012/151/2005-IR(CM-II)]

B.M. PATNAIK, Section Officer

ANNEXURE

BEFORE DR. R. K. YADAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL No.1, KARKARDOOMA COURTS COMPLEX, DELHI

I.D. No. 90/2011

Smt. Sarita Jhingan,
The All India CPWD (MRM)
Karmachari Sangathan,
4823, Balbir Nagar Extension,
Gali No. 13, Shahdara,
Delhi.

...Workman

Versus

The Administrative Officer,
Morarji Desai National Institute for Yoga,
6th Ashok Road,
New Delhi - 110001.

...Management

AWARD

Morarji Desai National Institute for Yoga (in short the Institute), a society registered under the societies

Registration Act 1980, is a grant in aid institution of the Department of Ayush, Ministry of Health and Family Welfare, Government of India, New Delhi. Its objects are:

- a. To Act as a Centre of excellence in Yoga,
- b. To develop, promote and propagate the science and art of Yoga, and
- c. To provide and promote facilities for training, teaching and research to fulfil the above objects.

2. In the year 1976, a library was established in the Institute. An Assistant Librarian, a Cataloguer and a Library Attendant formed the staff of that library. Ms. Sarita Jhingan was appointed as Cataloguer in the library of the Institute on 12-03-1976. The Assistant Librarian, namely, Ms. Swaran Kanta, met sudden demise and as such Ms. Meena Kumari was appointed as Assistant Librarian with effect from 06-10-1980. She resigned on 23-09-1983. Since then, no Assistant Librarian was appointed in the Institute. On 27-10-1995, for the first time, Ms. Sarita Jhingan claimed that she was discharging duties of the post of Assistant Librarian, besides duties of the post of Cataloguer, since September 83 and requested that she may be promoted as Assistant Librarian. Her request was not conceded to. Thereafter, she made various reminders to the authorities seeking her promotion to the said post, but in vain. Feeling aggrieved, she filed a writ petition being WP(C) No.2976 of 1999 before the High Court of Delhi. Her writ petition was dismissed as withdrawn vide order dated 05-04-2004, with liberty to raise an industrial dispute before the authorities. Ultimately, she approached the Conciliation Officer with a claim petition. The Institute contested her claim and as such conciliation proceedings ended into failure. On consideration of failure report submitted by the Conciliation Officer, the appropriate Government referred the dispute to Central Government Industrial Tribunal No.2, New Delhi for adjudication, vide order No.L-42012/151/2005- 1R(CM-II), New Delhi dated 28-04-2006, with following terms:

“Whether the action of the management of Morarji Desai Institute of Yoga in not giving promotion to Ms. Sarita Jhingan, Cataloguer to the post of Assistant Librarian is legal and justified? If not, to what relief she is entitled and from which date?”

3. Claim statement was filed by Ms. Jhingan, pleading therein that she was appointed as Cataloguer by the Institute on 12-03-1976. She had been performing duties of that post since the date of her appointment. Duties for the post of Assistant Librarian were assigned to her with effect from 12-09-1983, in addition to her own duties. No extra remuneration was paid to her for discharge of those duties. Next promotion from the post of Cataloguer is to the post of Assistant Librarian. Eligibility criteria for promotion to the said post is that the incumbent should be a graduate with diploma in Library Science, which she fulfils. She

made representation to the Institute for her promotion, but to no avail. She approached the High Court of Delhi with a writ petition, but withdrew it with liberty to raise an industrial dispute. She claims to be promoted to the post of Assistant Librarian with effect from 12-09-1983.

4. Demurral to her claim was made by the Institute, pleading that the post of Assistant Librarian stood abolished as per policy of the Government of India, viz. when a post remains vacant for a year it is deemed to have been abolished. Post of Assistant Librarian fell vacant on 24-09-1983 when Ms. Meena Kumari resigned. No other person was appointed on that post and as such the post was abolished. In that situation, the claimant cannot project that she may be promoted to the post of Assistant Librarian.

5. Institute projects that it is not an industry, as defined under Section 2(j) of the Industrial Disputes Act, 1947 (in short the Act). Since the institute is not an industry, hence the dispute raised by the claimant is also not an industrial dispute. Even otherwise her dispute is an individual dispute for want of espousal by the union of the establishment of the Institute or considerable number of employees.

6. The Institute nowhere disputes that the claimant joined as Cataloguer on 12-03-1976. She performed duties of that post till 31-08-2006, the date when she superannuated. Work for the post of Assistant Librarian was never assigned to her. It does not lie in her mouth to claim promotion to the post of Assistant Librarian since 12-09-1983. She is not entitled for promotion to that post. It has been claimed that the claim statement preferred by Ms. Jhingan may be dismissed, being devoid of merits.

7. Ms. Sarita Jhingan testified facts to establish her claim. Shri D.K. Malik entered the witness on behalf of the Institute. No other witness was examined by either of the parties.

8. Appropriate Government transferred the case to this Tribunal for adjudication vide order No.Z-22019/6/2007-1R(CII) New Delhi dated 30-03-2011, while using its powers contained in Section 33 B of the Act.

9. Arguments were heard at the bar. Shri Satish Kumar Sharma, authorized representative, advanced arguments on behalf of the claimant. Shri D.K. Malik, Office Superintendent, presented facts on behalf of the Institute. Written submissions were also filed by the parties. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the records. My findings on issues involved in the controversy are as follows:

10. At the outset, Institute projects that it is not an industry. It has been claimed that the Institute acts as centre for excellence in Yoga, to develop, promote and propagate the science and art of Yoga. The Institute provides and promotes facilities for training, teaching and research to develop, promote and propagate above science and art. In view of these pleadings, it would be ascertained

as to whether the Institute would fall within the ambit of industry as defined in section 2(j) of the Act. Definition of the word 'industry' is extracted thus:—

"industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen".

11. The definition of "industry" is both exhaustive and inclusive. It is in two parts. The first part says that it "means any business, trade, undertaking, manufacture or calling of employers" and then goes to say that it "includes any calling, service, employment, handicraft or industrial occupation or avocation of workman." Thus one part defined it from the stand point of the employer, and the other part from the stand point of the employees. The first part of the definition gives the statutory meaning of the industry, whereas the second part deliberately refers to several other items of industry and bring them in the definition in an inclusive way. The first part of the definition determines any industry by reference to occupation of employers in respect of certain activities viz., business, trade, undertaking, manufacture or calling. The second part views the matter from the angle of employees and is designed to include something more in what the term primarily denotes. By this part of the definition any calling, employment, handicraft, industrial occupation or avocation of workmen is included in the concept of industry. This part gives extended connotation.

12. Gloss was put on the definition of word "industry" by the High Courts and the Apex Court time and again. The question as to what is "industry" has continuously baffled and perplexed the courts. A graph of the cases decided by the Apex Court, if plotted on the background of the expression used in two parts of the definition of "Industry", would represent rather a zig zag curve. There have been various judicial ventures in this rather volatile area of law. The decided cases show that the efforts were made to evolve test by reference to characteristics regarded as essential for constituting an activity as an "Industry". Various cases would show that the Apex Court has been guided more by empirical rather than a strictly analytical approach. Most of the decision have centered around the expression "undertaking" used in the definition. In *Bangalore Water Supply and Sewerage Board (1978 Lab.I.C. 778)* the Apex Court reviewed the earlier decisions on interpretation of the wide words encompassed in the definition and formulated positive and negative principles for identifying "industry" as enacted by clause (j) of Section 2 of the Act. It would be expedient to reproduce the authoritative pronouncement of the Court, in the very words set out in the majority decision, handed down by Justice Kristina Iyer, which are extracted thus:

"1. "Industry" as defined in S.2(j) and explained in *Banerji* (AIR 1953 S.C.58) has a wide import.

- (a) Where (i) systematic activity, (ii) organized by Co-operation between employer and employee (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e. making, on a large scale prasada or foods) prima facie, there is an "industry" in that enterprise.
 - (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
 - (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
 - (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.
- II. Although Section 2(j) uses words of the widest amplitude in its two limbs, the re-meaning cannot be magnified to overreach itself.
- (a) "Undertaking" must suffer a contextual and associational shrinkage as explained in *Banerjee* and in this judgement, so also, service, calling and the like. This yields the inference that all organized activity possessing the triple elements in 1(supra), although not trade or business, may still be 'industry' provided the nature of activity, viz, the employer-employee basis, bears resemblance to what we find in trade or business. This takes into the fold 'industry' undertaking, calling and services, adventures," analogous to the carrying on the trade or business". All features, other than the methodology of carrying on the activity viz in organizing the co-operation between employer and employee, may be dissimilar. It does not matter, if on the employment terms there is analogy.
- III. Application of these guidelines should not short of their logical reach by invocation of creeds, cults or inner sense of incongruity or outer sense of motivation for or resultant of the economic operations. The ideology of the Act being industrial peace, regulation and resolution of industrial disputes between employer and workmen, the range of their statutory ideology must inform the reach of the statutory definition. Nothing less, nothing more.
- (a) The consequences are (i) profession, (ii) clubs (iii) education institutions, (iv) co-operatives (v) research institutes, (vi) charitable projects and (vii) other kindred adventures, if they fulfil

the triple tests listed in 1(supra), cannot be exempted from the scope of Section 2(j)

- (b) A restricted category of professions, clubs, co-operatives and even gurukulas and little research labs may qualify for exemption if in simple ventures, substantially, and going by the dominant nature criterion, substantively no employees are entertained but in menial matters, marginal employees are hired without destroying the non employee character of the unit.
- (c) If, in a pious or altruistic mission many employ themselves, free or for small honoraria or like return, mainly drawn by sharing in the purpose or cause, such as lawyers volunteering to run a free legal services clinic or doctors serving in their spare hours in a free medical centre or ashramites working at the bidding of the holiness, divinity or like central personality, and the services are supplied free or at nominal cost and those who serve are not engaged for remuneration or on the basis of master and servant relationship, then, the institution is not an industry even if stray servants, manual or technical, are hired. Such eleemosynary or like undertakings alone are exempt not other generosity, compassion, developmental passion or project.

IV. The dominant nature test:

- (a) Where a complex of activities, some of which qualify for exemption, other not, involves employees on the total undertaking, some of whom are not "workmen" as in the University of Delhi case (AIR 1963 S.C.1873) or some departments are not productive of goods and services if isolated, even then, the predominant nature of the services and the integrated nature of the departments as explained in the Corporation of Nagpur (AIR 1960 S.C.657) will be the true test. The whole undertaking will be industry although those who are not "workmen" by definition may not benefit by the status.
- (b) Notwithstanding the previous clauses, sovereign functions, strictly understood (alone) qualify for exemption, not the welfare activities or economic adventures undertaken by govt. or statutory bodies.
- (c) Even in department discharging sovereign functions, if there are units which are industries and they are substantially severable, then they can be considered to come within S.2(j)

- (d) Constitutional and competently enacted legislative provisions may remove from the scope of that categories which otherwise may be covered thereby.

V. We overrule Safdarjung (AIR 1970 S.C.1407), Solicitors case (AIR 1962 S.C. 1080), Gymkhana (AIR 1968 S.C. 554), Delhi University (AIR 1963 S.C.1873), Dhanraj Giriji Hospital (AIR 1975 SC 2032) and other rulings whose ratio runs counter to the principles enunciated above, and the Hospital Mazdoor Sabha (AIR 1960 SC 610) is hereby rehabilitated."

13. Principles laid down in Bangalore Water Supply and Sewerage Board (supra) hold ground. Therefore, the controversy raised will be adjudicated in view of the law laid by the Apex Court in the precedent referred above. The Institute agitates that it is not an Industry. The view point held by the Institute is that no profit motive activities are being carried on by it. No business is being run, hence the Institute cannot be termed as an 'industry'. Except the facts referred above, the Institute nowhere projects any other factors to lay emphasis on the fact that it is not an 'industry' Contra to it the claimant agitates that the Institute is an 'industry'.

14. In Ahmedabad Textile Industry's Research Association [1960 (2) LLJ 720], the association was established to carry on research with respect to the textile industry with a view to secure greater efficiency, rationalization and reduction of cost, which were "material services" to the textile industry hence the association answered the definition of industry. But in Safdarjung Hospital case (supra) was held to be an industry because it was a non-profit making body and its work was in the nature of training, research and treatment. In Indian Standard Institute [1966 (1) LLJ 33] the Apex Court suggested that in order to be recognized as an undertaking analogous to trade or business, the activity must be an economical activity in the sense that it is productive of material goods or material services. In Bangalore Water Supply and Sewerage Board (supra), the Apex Court laid down that an activity systematically or habitually undertaken for production or distribution of goods for rendering material services to the community at large or a part of such community with the help of employees is an undertaking. An 'industry' thus was said to involve cooperation between the employer and employees for the object of satisfying material human needs but not for oneself nor for pleasure nor necessity for profit. Lack of business and profit motive or capital investment would not take out an activity from the sweep of 'industry', if other conditions are satisfied. It is the activity in question which attracts the definition and absence of investment of any capital or the fact that the activity is conducted for profit motive or not, would not make material difference. Conversely mere existence

of profit motive will not necessarily convert the activity into "industry" if other tests are not satisfied.

15. Applying the above test, it would be ascertained whether the institute falls within the ambit of the definition. Objectives of the institute is to conduct research in yoga. Such an objective would be regarded as an industry, specially when its employees are working for wages. Institute is carrying out systematic activity and its employees do not belong to such a category, who render their services voluntarily without any remuneration. These aspects would make me to comment that the Institute falls with the ambit of industry and contest made in that regard is unfounded.

16. Now I would turn to factual matrix of the controversy. Recruitment rules for the post of Assistant Librarian projects that the incumbent should be a graduate from a recognized university, having degree or diploma in Library Science from a recognized university/institution. In case of recruitment by promotion, incumbent should have three years experience on the post of cataloguer. For the purpose of method of recruitment, post is to be filled cent percent by way of promotion, failing which by way of direct recruitment. For filling post by way of promotion, departmental promotion committee is to be constituted, which committee shall decide suitability of incumbent for the post. It is not a matter of dispute that the claimant is a graduate and possesses diploma in Library Science. On rendering three years service as catalogue, she became eligible for promotion to the post of Assistant Librarian.

17. Whether fulfilling eligibility criteria would make incumbent entitled to promotion? For an answer, it is expedient to glance on judicial pronouncements. In *Hindustan Laver Ltd.* [1974 (1) LLJ 94], the Apex Court ruled that in the course of industrial improvement, promotion is the prerogative of the management. In *Brooke Bond India Pvt. Ltd.* [1963 (1) LLJ 256], Constitutional Bench of the Apex Court ruled that it is a matter of discretion of the management to select persons for promotion. However, the Apex Court was also not oblivious of the proposition where the Tribunal may have to interfere with the promotion made by the management when it is felt that the persons superseded have been so superseded on account of malafide or victimization. However, while recording findings on malafide, victimization or unfair labour practice, the adjudicator cannot arrogate himself to promotional functions of the management. Even though promotion or upgradation is managerial function, it must not be on the subjective satisfaction of the management but must be on some objective criteria' announced the Apex Court in *Williamson Magor & Co. Ltd.* [1982 (1) LLJ 33]. It is a settled proposition that an employee eligible for promotion should be considered. If at a given time, more than one person is eligible for promotion, seniority should be taken into account and should prevail, unless eligible persons are

not equal in merit. But right to be considered for promotion is not to be confused with mere chance of promotion, because chance of promotion is not a condition of service. In other words, though right to be considered for promotion is a condition, mere chance of promotion is not, ruled the Apex Court in *CT Dhighe* [1981 (2) LLJ 223]. Thus out of above propositions of law laid, it emerges that promotions are normally granted on the basis of performance. Automatic promotions would undermine the very *raison d'être* of promotion. Hardly there would be any incentive left to put in good performance if promotions are taken for granted. It is in the interest of both the employee as well as the management that promotion is performance based. Automatic promotion will result in casualty of work and performance.

18. Whether claimant ought to have been promoted by the Institute without consideration of her performance? Facts highlight that one Swaran Kanta was initially appointed as Assistant Librarian in 1976. She met her sudden demise in October, 1980 and Ms. Meena Kumari was appointed as Assistant Librarian. In case eligibility criteria for promotion to the post of Assistant Librarian would have been considered, claimant, who fulfilled that criteria, ought to have been promoted to that post. But it was Ms. Meena Kumari, who was appointed to the post of Assistant Librarian with effect from 06-10-1980. These facts make it clear that neither performance of the claimant was not found to be upto the mark in 1980 nor she was recruited to the post, by way of direct recruitment. In 1983, Ms. Meena Kumari tendered her resignation and the post again fell vacant. Till October, 1995, the claimant never talked of her promotion. For the first time, she moved an application for promotion on 27-10-1995, which application did not find favour with the authorities. It is evident that the authorities could not appreciate her performance favourably to promote her to the post of Assistant Librarian.

19. Whether a case of intervention by the Tribunal has been projected? For an answer, it is to be noted as to whether the Institute acted malafidely or victimized the claimant or practiced unfair labour practice in not promoting her. There is dearth of evidence on this aspect. Not even a whisper of fact was made by the claimant to probablize that she was not promoted by the Institute on account of malafide, victimization or unfair labour practice. Desideratum of evidence on these issues make me to announce that it not the case where Tribunal should intervene and command the Institute to promote the claimant to the post of Assistant Librarian.

20. Shri B.K. Malik presents in his testimony that vide order No.7(7) — E (Co-ord)/93 dated 03-05-1993, Ministry of Finance, Department of Expenditure, Government of India, New Delhi, commanded the Institute to abolish such posts which remained unfilled for a period of one year or more. It was clarified therein that if a post remained unfilled

for a period of one year or more it would be deemed to have been abolished. He placed reliance on order No.Z-21011/1196-IWSU New Delhi dated 17-06-1999 on the strength of which post of Assistant Librarian was deemed to have been abolished, as per instructions of Ministry of Finance, Government of India, New Delhi. It is not a disputed fact that post of Assistant Librarian had fallen vacant on 24-09-1983. It remained unfilled and deemed to have been abolished in respect of which order referred above was passed. When post of Assistant Librarian stood abolished in 1999, claim made by the claimant for promotion to that post, if any, stood frustrated. When there is no post of Assistant Librarian with the Institute, the claimant lost her battle on the very date, when she raised the present dispute before the Conciliation Officer.

21. Much ado has been made by the claimant on the proposition that she worked on the post of Assistant Librarian since 24-09-1983. This bald statement is there over the record. In her testimony, she does not mention as to what duties were attached to the post of Cataloguer, which was held by her. She is silent on the proposition as to what duties were attached with the post of Assistant Librarian. She has not drawn a line between the duties assigned to these two posts. She simply claims that she performed duties attached to the post of Assistant Librarian. Her claim falls flat when photocopies of note sheets, from the office of the Institute, filed by the claimant are considered. In various note sheets, claimant has signed without putting her designation. But note sheet dated 10-03-1988 project that the Cataloguer was on leave. On this note sheet, signature of the claimant does not appear. However, note sheet dated 23-03-1999 presents that the claimant has signed it in the capacity of Cataloguer. Again on 23-06-1999, she put up a note in the capacity of Cataloguer and signed it. These facts make it apparent that the claimant was discharging functions of Cataloguer and not of the post of Assistant Librarian.

22. Letter dated 26-07-1999, written by Director of the Institute to Shri B.L. Meena, Director (ISM) Department of ISM and H, Ministry of Health and family Welfare, Government of India, New Delhi, makes it clear that name of the claimant was referred for her career improvement but the proposal was not considered by the Ministry favourably. That fact would highlight that the Institute took steps for forwarding her name for promotion but it was not approved by the Government. In her letter dated 10-5-1996, the claimant projects that she had been working as a Cataloguer for the last 20 years and craves for her promotion. In letter dated 06-08-1996, she presents those very facts. Letters dated 04-09-1997 and 28-09-1997 also reaffirm that proposition. However, in those letters, she asserts that she had been performing duties of the post of Assistant Librarian, in addition to the duties of the post of Cataloguer. In none of her communication, she highlights

duties for the post of Assistant Librarian, which were performed by her. Therefore, her claim that she was performing duties for the post of Assistant Librarian since September, 1983 has not been established. Shri D.K. Malik presents that after resignation of Ms.Meena Kumari, no one was performing work on the post of Assistant Librarian. Consequently, I have no hesitation in concluding that the claimant has not been able to project that she worked as Assistant Librarian and as such is entitled to be promoted to that post.

23. Whether the dispute under reference is an individual dispute? For an answer, I am supposed to construe the definition of the term "industrial dispute".

Definition of the term, defined by Section 2(k) of the Act is reproduced thus:

"industrial dispute" means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;

24. The definition of "Industrial dispute" referred above, can be divided into four parts, viz. (1) factum of dispute, (2) parties to the dispute, viz. (a) employers and employees, (b) employer and workmen, or (c) workmen and workmen, (3) subject matter of the dispute, which should be connected with —(i) employment or non employment, or (ii) terms of employment, or (iii) condition of labour of any person, and (4) it should relate to an "industry".

25 The definition of "industrial dispute" is worded in very wide terms and unless they are narrowed by the meaning given to word "workman" it would seem to include all "employers", all "employments" and all "workmen", whatever the nature or scope of the employment may be. Therefore, except in the case where there can be a dispute between the employers and employees and workmen and workmen, one of the parties to an industrial dispute must be an employee or a class of employees. The first point, therefore, to be noted, perhaps self evident, is that the phrase "employer and workmen", the plural may include singular on either side or any permutation of singular or plural, the masculine including the feminine. In order, therefore, to determine as to whether a controversy or difference or a dispute is an "industrial dispute" or not, it must first be determined whether the workman concerned or workmen sponsoring his cause satisfy the conditions of clause (s) of Section 2 of the Act. Here in the case, the Institute does not dispute that Smt.Sarita Jhingan is a workman within the meaning of clause (s) of Section 2 of the Act.

26. The object of the Act is to protect workman against victimization by the employer and ensure termination of

industrial dispute in a peaceful manner. The Act, however, does not provide for any set of social and economic principles for adjustment of conflicting interests. Such norms have been evolved and devised by industrial adjudication, keeping in view the social and economic conditions, the needs of the workmen, the requirement of the industry, social justice, relative interests of the parties and common good. These norms have given rights to the industrial employees what may be called industrial rights, as such rights may not be available at common law. Disputes as to the conditions of employment can be resolved by resorting to a technique known as collective bargaining. This tool is resorted to between an employer or group of employers and a bonafide labour union. Policy behind this is to protect workmen as a class against unfair labour practices. What imparts to the dispute of a workman the character of an "industrial dispute" is that it affects the right of the workman as a class.

27. The Apex Court put gloss on the definition of "industrial dispute" in *Dimakuchi Tea Estate* [1958 (1) LLJ 500] and ruled that the expression "any person" in clause (k) of Section 2 of the Act must be read subject to such limitation and qualification as arise from the context, the two crucial limitations are (i) the dispute must be a real dispute between the parties to the dispute (as indicated in the first two parts of the definition clause) so as to be capable of settlement or adjudication by one party to the dispute giving necessary relief to other, and (2) the person regarding whom the dispute is raised must be one for whose employment, non employment, terms of employment or conditions of labour, as case may be, the parties dispute for a direct or substantial interest. Where workman raised a dispute as against their employment, the person regarding whose employment, non employer, terms of employment or conditions of labour, the dispute is raised need not be strictly speaking "workman" within the meaning of the Act, but must be one in whose employment, non employer, terms of employment, or conditions of labour the workmen as a class have a direct or substantial interest. The observations made by the Apex Court are to be extracted thus:

"We also agree with the expression "any person" is not co extensive with any workman, particular or otherwise, equal with other, that the crucial test is one of community of interest and the person regarding whom the dispute is raised must be one in whose employment, non employment, terms of employment, conditions of labour (as the case may be) the parties to the dispute have a direct or substantial interest. Whether such direct or substantial interest has been established in a particular case will depend on its facts and circumstances."

28. In *Kyas Construction Company (Pvt.) Ltd.* [1958 (2) LLJ 660] Apex Court ruled that an industrial dispute need

not be a dispute between the employer and his workman and that the definition of the expression "industrial dispute" is wide enough to cater a dispute raised by the employer's workman with regard to non employment of others, who may not be employed as workman at the relevant time. The Apex Court in *Bombay Union of Journalist* [1961 (II) LLJ 436] has observed that in each case in ascertaining whether an individual dispute has acquired the character of an industrial dispute, the test is whether at the date of reference, the dispute was taken up as submitted by the union of the workmen of the employer against whom, the dispute is raised by an individual workman or by an appreciable number of workmen. In order, therefore, to convert an individual dispute into an industrial dispute, it has to be established that it has been taken up by the union of employees of the establishment or by an appreciable number of the employees of the establishment. As far as union of the workmen of establishment itself is concerned, the problem of espousal by them generally presents little difficulty, since such workmen who are members of such unions generally have a continuity of interest with an individual employee who is one of their fellow workman. But difficulty arise when the cause of a workman, in a particular establishment is sponsored by a union which is not of the workmen of that establishment but is one of which membership is open to workmen of their establishment as well as in that industry. In such a case a union which has only microscopic number of the workmen as its member, cannot sponsor any dispute arising between the workmen and the management. A representative character of the union has to be gathered from the strength of the actual number of co workers sponsoring the dispute. The mere fact that a substantial number of workmen of the establishment in which the concerned workman was employee were also members of the union would not constitute sponsorship. It must be shown that they were connected together and arrived at an understanding by a resolution or by other means and collectively submitted the dispute.

29. The expression "industrial disputes" has been construed by the Apex Court to include individual disputes, because of the scheme of the Act. In *Raghu Nath Gopal Patvardhan* [1957(1) LLJ 27] the Apex Court ruled as to what dispute can be called as an industrial dispute. It was laid thereon that (1) a dispute between the employer and a single workman cannot be an industrial dispute, (2) it cannot be per-se be an industrial dispute but may become if it is taken up by a trade union or a number of workmen. In *Dharampal Prem Chand* [1965 (1) LLJ 668] it was commanded by the Apex Court that a dispute raised by a single workman cannot become an industrial dispute unless it is supported either by his union or in the absence of a union by substantial number of workmen. Same law was laid in the case of *Indian Express Newspaper (Pvt.) Limited* [1970 (1) LLJ 132]. However in *Western India Match Company* [1970 (II) LLJ 256], the Apex Court referred the precedent in *Drona*

Kuchi Tea Estate's case [1958 (1) LLJ 500] and ruled that a dispute relating to "any person becomes a dispute where the person in respect of whom it is raised is one in whose employment, non employment, terms of employment or conditions of labour, the parties, dispute for a direct or substantial interest".

30. What a substantial or considerable number of workmen would be in a given case, depend on particular facts of the case. The fact that an "industrial dispute", is supported by other workmen will have to be established either in the form of a resolution of the union of which workman may be member or of the workmen themselves who support the dispute or in any other manner. From the mere fact that a general union, at whose instance an "industrial dispute" concerning an individual workman is referred for adjudication, has on its roll a few of the workmen of the establishment as its members, it cannot be inferred that the individual dispute has been converted into an "industrial dispute". The Tribunal has therefore, to consider the question as to how many of the fellow workman actually espoused the cause of the concerned workman by participating in the particular resolution of the union. In the absence of a such a determination by the Tribunal, it cannot be said that the individual dispute acquired the character of an industrial dispute and the Tribunal will not acquire jurisdiction to adjudicate upon the dispute. Nevertheless, in order to make a dispute an industrial dispute, it is not necessary that there should always be a resolution of substantial or appreciable number of workmen. What is necessary is that there should be some express or collective will of a substantial or an appreciable member of the workmen treating the cause of the individual workman as their own cause. Law to this effect was laid in P.Somasundramerian [1970 (1) LLJ 558].

31. It is not necessary that the sponsoring union is a registered trade union or a recognized trade union. Once it is shown that a body of substantial number of workmen either acting through a union or otherwise had sponsored the workman's cause, it is sufficient to convert it into an industrial dispute. In Pardeep Lamp Works [1970 (1) LLJ 507] complaints relating to dispute of ten workmen were filed before the Conciliation Officer by the individual workmen themselves. But their case was subsequently taken up by a new union formed by a large number of co-workmen, if not a majority of them. Since this union was not registered or recognized, the workmen elected five representatives to prosecute the cases of ten dismissed workmen. Thus cases of the dismissed workmen were espoused by the new union, yet unregistered and unrecognized. The Apex Court held that the fact that these disputes were not taken up by a registered or recognized union does not mean that they were not "industrial dispute".

32. It is not expedient that same union should remain incharge of that dispute till its adjudication. The dispute

may be espoused by the workmen of an establishment, through a particular union for making such a dispute an "industrial dispute", while the workman may be represented before the Tribunal for the purpose of Section 36 of the Act by a member of executive or office bearer of altogether another union. The crux of the matter is that the dispute should be a dispute between the employer and his workmen. It is not necessary that the dispute must be espoused or conducted only by a registered trade union. Even if a trade union ceases to be registered trade union during the continuance of the adjudication proceedings that would not affect the maintainability of the order of reference. Law to this effect was laid by the High Court of Orissa in Gammon India Limited [1974 (II) LLJ 34]. For ascertaining as to whether an individual dispute has acquired character of an individual dispute, the test is whether on the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by the individual workman or by an appreciable number of the workman. In other words, the validity of the reference of an industrial dispute must be judged on the facts as they stood on the date of the reference and not necessarily on the date when the cause occurs. Reference can be made to a precedent in Western India Match Co.Ltd. [1970 (II) LLJ 256].

33. A long line of decisions, handed down by the Apex Court, had established that an individual dispute could not per se be an industrial dispute, but could become one if it was taken up by a trade union or a considerable number of workmen of the establishment. This position of law created hardship for individual workmen, who were discharged, dismissed, retrenched or whose services were otherwise terminated when they could not find support by a union or any appreciable number of workman to espouse their cause. Section 2A was engrafted in the Act by the Amendment Act of 1965 and it has to be read as an extension of the definition of industrial dispute contained in clause (k) of Section 2 of the Act. Thus by way of extension of definition of industrial dispute, by insertion of Section 2A of the Act, the dispute of an individual workman connected with or arising out of his discharge, dismissal, retrenchment or otherwise termination of his service by his employer has been brought within the ambit of the Act.

34. Here in the case, no evidence worth name was brought over the record to project that the dispute of the claimant was take up by a recognised union in the establishment of the Institute. It is also not shown that considerable number of employees, working in the establishment of the Institute, espoused the dispute. As reference order highlights, dispute was raised before the Conciliation by the All India Central Public Works Department (MRM) Karamchari Sangthan. No evidence is there over the record to show that the said union passed a

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resolution with a view to espouse cause of the claimant. Mere fact that in the reference order address of the claimant has been shown through that union would not clinch the issue. When the Institute raised an issue as to non-espousal of the dispute, the claimant ought to have come forward with some evidence that her dispute was taken up by considerable number of employees working in the establishment of the institute. For want of evidence, I find that the dispute is an individual dispute and claim is to brushed aside on that count too.

35. In view of the reasons detailed above, I find that the claimant has failed to establish that she is entitled to be promoted to the post of Assistant Librarian. Her claim merits dismissal, being unfounded. Consequently, the claim put forth by Ms. Sarita Jhingan is discarded. An award is, accordingly, passed in favour of the Institute and against the claimant. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

Dated: 06-09-2012

नई दिल्ली, 28 सितम्बर, 2012

का. आ. 3256.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 56/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-09-2012 को प्राप्त हुआ था।

[सं. एल-22012/278/2007-आई आर (सीएम-II)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 28th September, 2012

S.O. 3256.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of M/s. Mahanadi Coalfields Limited, and their workman, which was received by the Central Government on 28-09-2012.

[No. L-22012/278/2007-IR(CM-II)]

B.M. PATNAIK, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

Present :

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-
Labour Court, Bhubaneswar
INDUSTRIAL DISPUTE CASE NO. 56/2008

Date of Passing Order—24th August, 2012

Between:

The General Manager, Hingula Area,
M/s. Mahanadi Coalfields Limited,
P. O. N.S. Nagar, Talcher, Distt, Angul, Orissa,
... 1st Party-Management.

(And)

The Secretary, Talcher Coal Mines
Employees Union, At./PO. South Balanda,
Talcher, Distt, Angul, Orissa.

...2nd Party-Union.

Appearances:

Sri Sritam Das,
Dy. Manager (Pers.) ... For the 1st Party-
Management.

Sri Surendra Nath Behera,
Secretary, TCMEU, ... For the 2nd Party-
Bharatpur Branch. Union.

AWARD

Case taken up today before Lok Adalat. Authorized representative for the 1st Party-Management and the Secretary of the 2nd Party-Union are present.

2. Parties at dispute in the present reference have filed a settlement in Form-H which has been verified by which the dispute has been settled amicably by the parties out of court. The settlement filed in Form-H is made part of the award in the present reference.

3. Accordingly award is passed in terms of the settlement in Form-H which shall form part of the Award.

4. Reference is answered accordingly.

J. SRIVASTAVA, Presiding Officer

FORM-'H'

Memorandum of settlement arrived at between the management of MOL Hingula Area and Sri Khitish Kumar

Pradhan, Mazdoor, Cat-II of Balram OCP, Hingula area on 14-06-2012 at 4.30 PM.

Short recital of the Case:

Sri Khitish Kumar Pradhan, Mazdoor Cat-II (previously Dumper Operator), Balram OCP met with an accident while on duty on 02-06-2002 and his disablement was assessed as 80%. He was paid compensation as admissible. He was extended with all treatment facility and wages during the treatment period. In the accident his left hand was amputated from root level. Further on the recommendation of the medical board Sri Pradhan was given alternative job of General Mazdoor, Cat-II and his basic was protected upto the maximum of Cat-II pay scale. His basic pay on the date of accident was Rs. 222.20 per day as per NCWA-VI and his basic was fixed at Rs. 169.57 per day as per NCWA-VI. Now he has raised an ID before conciliation and at present at CGIT-cum-Labour Court, Bhubaneswar claiming protection of his basic wages.

The competent authority i.e. the Director (Personnel), MCL, has been pleased to grant Sri Khitish Kumar Pradhan, Mazdoor Cat-II, Balram OCP, Hingula Area protection of his basic wages w.e.f. 20-08-2002 (i.e. the date in which PPD Medical Board met and signed the recommendation) in Cat-II.

Terms of Settlement

1. It was agreed to grant Sri Khitish Kumar Pradhan, Mazdoor Cat-II, Balram OCP, Hingula Area protection of his basic wages w.e.f. 20-08-2002 (i.e. the date in which PPD Medical Board met and signed the recommendation) in Cat-II.

2. On the date of accident as well as on the date of meeting of PPD medical board and signing of PPD Board recommendation, Shri Pradhan was drawing Rs. 222.20 per day (NCWA-VI) and by fixing his basic in Cat-II it comes to Rs. 222.61 per day (NCWA-VI) with pay protection. After fixation of basic to NCWA-VII it comes to Rs. 343.86 per day as on 02-06-02 and Rs. 360.24 per day as on 30-06-06. As per NCWA-VIII his basic comes to Rs. 542.61 per day and as on 01-2-2010 it comes to Rs. 629.03 per day. As on 01-12-2011 his basic will be Rs. 647.90 per day instead of Rs. 558.88 per day.

3. In view of implementation of NCWA-IX w.e.f. 01-07-2011, the new basic of Sri Pradhan will be 1182.25 per day instead of Rs. 1056.79 per day.

4. As on 01-12-2011 after Annual increment his basic will be Rs. 1217.71 per day instead of Rs. 1088.49 per day.

5. Sri Khitish Kumar Pradhan, Mazdoor Cat-II, Balram OCP, Hingula Area will not be entitled to any arrear wages or consequential benefits during the period.

6. That Sri Khitish Kumar Pradhan, Mazdoor Cat-II, Balram OCP, Hingula Area either himself or through any

forum will not agitate/raise any dispute of any kind at any level/court on this matter.

7. The settlement is full and final in all respect.

Date : 14-06-2012

Sd./-

Khitish Kumar Pradhan
Genl. Maz. Cat-II,
Balram OCP.

Sd./-

Representative of
Management

Witness:—

1. R M Tonda, APM, Hingula Area MCL
PO. N.S. Nagar, Talcher, Distt. Angul
2. Sri Surendra Nath Behera
Secretary, TCMEU, Bharatpur Branch

Sd./-

For Management

Verified in presence of the parties today.

Sd./-

P.O.

24-8-2012

नई दिल्ली, 1 अक्टूबर, 2012

का.आ. 3257.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिप्टी कमिशनर, नवोदय विद्यालय समिति के प्रबंधन के संबंध में निरीक्षण और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ 23/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-09-2012 को प्राप्त हुआ था।

[सं. एल-42011/19/2008-आई आर (डीयू)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 1st October, 2012

S.O. 3257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. Case No. 23/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Dy. Commissioner, Navodya Vidyalaya Samiti, and their workman, which was received by the Central Government on 28-09-2012.

[No. L-42011/19/2008-IR(DU)]

SURENDRA KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JAIPUR

Sh. N.K. PUROHIT, Presiding Officer

I.D. 23/2008

Reference No. L-42011/19/2008-IR(DU) dated : 27-06-2008

The General Secretary
Rajasthan Public Sector Area Karmachari Sangh
-80, Bajrang Vihar, Nr. Gopalpura Rly.
Bridge, Jaipur.

V/s

Dy. Commissioner
Navodaya Vidyalaya Samiti, Regional Office,
A-92, Shastri Nagar, Jaipur.

Present:

For the applicant Union : Sh. R.C. Jain

For the Non-applicant : Sh. V.S. Gurjar

AWARD

13.8.2012

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-section 1 and 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following Industrial dispute to this tribunal for adjudication :—

“Whether the action of the management of Navodaya Vidyalaya Samiti, Jaipur, in imposing a penalty of withholding of one increment on their workman Shri Brijmohan Gurjar, Chowkidar vide order dated 21-7-2005 is legal and justified? If not, to what relief the workman is entitled to?”

2. While, the workman was working as chowkidar at Jawahar Navoday Vidyalay, Atru, district: Bara, a charge sheet dated 16-4-01 was issued to him for alleged misconduct committed by him. Tehsildar Chabra was appointed enquiry officer who submitted his report on 31-3-03 wherein charge of suppression of fact under article A(1)(क) was found partially proved and charge under article A(1)(ख) for false declaration was found proved. The workman was provided copy of the report for making representation to the disciplinary authority. Thereafter, the disciplinary authority vide its order dated 10-7-03 imposed the penalty of stoppage of four increments with cumulative effect. In appeal against the said order punishment of stoppage of one increment instead of four increments was imposed.

3. The workman in his statement of claim has alleged that the enquiry officer was appointed vide order dated 27.1.01 prior to the charge sheet dated 16-4-01. He has further pleaded that during enquiry, proper opportunity to defend his case was not provided to him. The enquiry was conducted in violation of the principle of natural justice. The workman has also pleaded that it is not clear from the report of the enquiry officer whether any oral evidence was recorded by him. It is also not clear on what oral or documentary evidence the charges have been found proved therefore, the findings of the enquiry officer are perverse.

4. It has further been pleaded that despite the suspension order of the workman has been revoked vide order no. 647 dated 10-7-03 and there was no order in respect of suspension period in the impugned order dated 10-7-03, the salary for the period 27-2-01 to 10-7-03, increment for the period 2001 to 2003, bonus for the period 1999-2000 to 2002-03, HRA for the period 1-6-96 to 7-12-01, dress allowance for the period 1993 to 2004 and conveyance charges for the period 6-12-03 to 7-12-01 have not been paid to him.

5. The workman has prayed that impugned order dated 21-7-05 be declared illegal and unjustified and all the consequential benefits be given to him.

6. In reply to the claim statement, the management has averred that on 23-2-01 a letter regarding activities and misconduct of the workman was written by the Principal to the Collector who ordered to suspend the workman and appointed Tehsildar, Chabra as enquiry officer on 26-2-01. In compliance of the said order the workman was suspended vide order dated 27-2-01. Thereafter, he was served a charge sheet dated 16-4-01. Tehsildar, Chabra was appointed as enquiry officer on 2-5-01 and Shri H.K. Jain was appointed Presenting Officer vide order dated 2-5-01. On the request of the workman defense nominee was also appointed. The enquiry officer on the basis of documentary and oral evidence found the charge under article A(1)(क) partially proved and, charge under article A(1)(ख) as proved and submitted his report on 31-3-03. The copy of the enquiry report was served upon the workman and after considering the report and representation of the workman the disciplinary authority has imposed the penalty. Thus, the workman was given ample opportunity to defend his case. The management has also averred that the enquiry has been conducted in accordance with the rules and in consonance of principle of natural justice and the findings of the enquiry officer is not perverse. It has further been averred that the workman is not entitled for full salary and increments during suspension period. He has been paid bonus, HRA, conveyance allowance etc. vide order dated 15-12-06 through a draft, therefore, the claim of the workman deserves to be rejected.

7. Since, the workman has assailed the validity of the enquiry conducted against him; the management was directed to produce the entire enquiry proceedings for justifying their action in imposing a penalty of stoppage of one increment on the workman.

8. Upon perusal of the proceedings, it reveals that the management after seeking several adjournments for producing the enquiry record submitted an application dated 12-9-11 stating therein that “efforts are being made to trace out the record pertaining to the enquiry conducted by the Tehsildar, Chabra” and sought further adjournment for producing the record. Opportunity to produce entire record pertaining to enquiry proceedings was given on

cost. Thereafter, on 18-10-2011, learned representative for the management moved another application along with the copy of the letter of the Collector, Bara stating therein that the case being very old, further opportunity be provided for producing the record. Again an opportunity on -cost was given for the same. Ultimately, on 14-12-2011 the learned representative for the management submitted that the record was not available. Thus, the management despite seeking several adjournments has failed to produce the entire record pertaining to enquiry.

9. Heard learned representative on behalf of both the parties and perused the available record.

10. The learned representative on behalf of the workman contends that as per order of the disciplinary authority dated 10-7-03 memo no. 7537 dated 23-3-01 has been served whereas no such memo was given to the workman; that enquiry officer was appointed before the charge sheet was served upon the workman; that it is not clear from the order of the appointment of enquiry officer it is in respect of charge sheet dated 16-4-01; that the appointment order of the presenting officer dated 19-6-02 appears to be pertaining to charge sheet dated 17-5-01 whereas no such charge sheet was served upon the workman; that enquiry proceedings and entire record have not been produced, therefore, it is not clear what proceedings were drawn on a particular date. It is also not clear whether any oral or documentary evidence was produced during enquiry and opportunity to cross examination was afforded to the workman.

11. The learned representative also contends that it is not clear from the findings of the enquiry officer on what oral or documentary evidence, conclusions have been drawn and the documents referred by him have not been proved by any witness, therefore, the whole enquiry was conducted in a illegal and unjustified manner and conclusions drawn by the enquiry officer in respect of charges found to be proved are perverse.

12. Per contra, the learned representative for the non-applicant submits that procedure has been followed and enquiry has been conducted in consonance of the principle of natural justice. He further submits that it is evident from the record produced by the management that enquiry officer was appointed after serving charge sheet upon the workman. Since, the record is very old, the enquiry proceedings could not be traced and under these circumstances no adverse inference can be drawn against the management on account of not producing record of enquiry proceedings.

13. I have given my thoughtful consideration to the rival submissions of the learned representative on behalf of both the parties and perused the documents brought on record by the management of the non-applicant.

3928 47/12-20

14. In view of the pleadings and rival submissions on behalf of both the parties, the following points emerge for consideration:—

- i. Whether enquiry conducted against the workman was in violation of principle of natural justice?
- ii. Whether findings of the enquiry officer in respect of charges found to be proved/partially proved are perverse?
- iii. To what relief the workman is entitled to?

Point No. I

15. Upon perusal of the documents which have been produced by the non-applicant it reveals that the then principal of the school wrote a letter dated 23-2-01 (M-3) to the Collector, Bara regarding certain misconducts and activities of the workman and on the said letter itself the Collector has passed following order on 26-2-01:—

“उल्लेखित, आरोपित कर्मचारी श्री बृजमोहन चौकीदार को तुरंत प्रभाव से निलंबित किया जाता है। इनके विरुद्ध आरोपों की जांच के लिये तहसीलदार छबड़ा को जांच अधिकारी नियुक्त किया जाता है। जांच रिपोर्ट एक माह की अवधि में आवश्यक रूप से प्रस्तुत की जाये।”

16. In compliance of the said order the workman was suspended vide order dated 27-2-01(M-1). It further reveals that charge sheet dated 16-4-01 (M-2) was served upon the workman and vide order dated 2-5-01(M-4) Shri K.K. Abujharia, Tehsildar Chabra, was appointed enquiry officer and by another order on the same date i.e. 2-5-01(M-5), Shri H.K., Jain was appointed Presenting Officer. It also reveals that vide application dated 17-7-01(M-6) request was made to appoint Sh. Ramesh Chandra Sharma, Retd. O.A., as defense nominee. Subsequently, Shri A.K. Mishra and Shri S.N. Singh were appointed presenting officer vide orders dated 17-5-02 (M-7) and 19-6-02(M-8) respectively. Reply to the charge sheet dated 19-6-01 and application of the workman dated 17-7-01 were sent to the enquiry officer vide letter dated 6-8-01 (M-9). The enquiry officer submitted his report on 31-3-03. The copy of the said report was sent to the workman for his explanation vide letter dated 26-6-03 (M-11) who submitted his explanation dated 4-7-03(M-12) & thereafter, disciplinary authority vide order dated 10-7-03 (M-13) imposed the penalty of stoppage of four increments with cumulative effect. The appellate authority has modified the said punishment and vide its order dated 21-7-05 the punishment of stoppage of one increment has been imposed.

17. Upon perusal of the order of disciplinary authority dated 10-7-03, it reveals that the date and number of memo have been mentioned as 7531 dated 23-2-01 which is pertaining to the letter of the principal addressed to the Collector, Baran. Similarly, it is mentioned that enquiry officer was appointed vide order of even no. 7537-7540 dated 27-2-01 whereas said order dated 27-2-01 (M-1) is pertaining

to suspension of the workman and the enquiry officer was appointed vide order dated 2-5-01(M-4).

18. Apparently, it appears that the disciplinary authority in its order dated 10-7-03 has mentioned the number and date of the memo as 7531 dated 23-2-01 instead of number and date of memo dated 16.4.01. Similarly, the date of the order of appointment of the enquiry officer has been mentioned as 27-2-01 instead of 2-5-01. Since, it is an admitted case of the workman that he was served a charge sheet dated 16-4-01 and he was punished by the disciplinary authority vide order dated 10-7-03, it cannot be said that due to mistakes pointed out by the learned representative any prejudice has been caused to the workman. The contention that the enquiry officer was appointed prior to service of charge sheet upon the workman is devoid of any force.

19. The workman in his claim statement has alleged that proper opportunity to defend was not provided to him. In reply to the claim statement the management has pleaded that evidence was recorded and opportunity to cross examination was afforded to the workman in the presence of his defense nominee. But the statement of witness said to be recorded by the enquiry officer have not been produced. The management has also not produced enquiry proceedings and it is not evident from the documents Ex-M-1 to M-16 brought on the record that statements of the witnesses were recorded and opportunity to cross examination was given to the workman.

20. The union in its claim statement has alleged that the enquiry was conducted in violation of principle of natural justice, therefore, for adjudication on the point as to whether enquiry conducted against the workman was fair and proper, the entire enquiry proceedings should have been produced before the tribunal. It was for the management to show on the basis of record that the enquiry was fairly and properly conducted but the management has failed to produce the proceedings of the enquiry before the tribunal despite several opportunities afforded for the same.

21. In view of above, it can be presumed that the enquiry proceedings which would have gone against the management and which would have favoured the workman have been deliberately withheld by the management. It was imperative on the part of the management to produce the whole proceedings of the enquiry but the management has failed to do so. Under these circumstances, it is deemed that enquiry was not held in confirmative on principles of natural justice and the same was not fair and proper. Therefore, this point is decided in favour of the workman.

Point No. II

22. The charges under article 1 (स) and 1(द) are as under:—

Article 1 (स)

(i) अपूर्ण/गलत/भ्रमात्मक पारिवारिक जानकारी दी है।

(ii) वांछित जानकारी प्रस्तुत नहीं की है।

Article 1 (द)

(i) अपने ऊपर आश्रितों का गलत विवरण प्रस्तुत किया है।

23. The enquiry officer in his report has found charge under article 1(D) as proved and charge under article 1(C) as partially proved. In this regard, the conclusions drawn by the enquiry officer are as under:—

तथ्यों को छिपाना आर्टिकल 1(स)

हमने पत्रावली का आध्योपान्त अवलोकन किया, मुख्यतया कर्मचारी पर आरोप है, कि कार्यालय द्वारा सेवापुस्तिका पूर्ण करने एवं पारिवारिक जानकारी चाहने पर जानकारी उपलब्ध नहीं कराई गई एवं भ्रामक जानकारी उपलब्ध कराई गई। इसके प्रत्युत्तर में कार्मिक द्वारा लिपिक को सहयोग करना एवं जानकारी उपलब्ध कराना तथा यह भी अंकित किया है, कि ऐसा कोई तथ्य नहीं छिपाया है, जिससे राज्य को हानि हुई हो। आरोप दुर्भावना का प्रतीक होना बताया। एनेक्सर 3(18, 19, 20, 21) का अवलोकन करने पर पाया गया कि कर्मचारी से लिखित में जानकारी चाही जाने पर उसका दायित्व होता है, कि वह कार्यालय को सहयोग करें, एवं अपेक्षित सूचना समय-समय पर उपलब्ध कराये। किन्तु एनेक्सर (21) के अवलोकन से स्पष्ट प्रतीत होता है, कि पत्र क्रमांक/7373 दिनांक 23-01-2001 के सन्दर्भ में प्रस्तुत प्रत्युत्तर में अंकित भाषा आरोपित कर्मचारी द्वारा कार्यालय पद्धति एवं शैली के विपरीत लिखी है, जो अशोभनीय है। कार्मिक का दायित्व होता है, कि उससे चाही गई सूचना तत्काल उपलब्ध करावें। इस प्रकार यह आरोपित आरोप कर्मचारी पर आंशिक रूप से प्रमाणित होता है।

झूठी घोषणा:- आर्टिकल 1 (द)

श्री बृजमोहन द्वारा झूठी घोषणा की गई। एनेक्सर 3 (22, 23, 18, 19, 20, 21) पत्रावली का अवलोकन किया परोकार सरकार की ओर से प्रस्तुत साक्ष्य एवं आरोपित कर्मचारी द्वारा प्रस्तुत जवाब का अवलोकन किया।

आरोपित कर्मचारी द्वारा दिनांक 23-01-2001 के माध्यम से अपने जिन आश्रितों का उल्लेख किया है, जिसमें शादी होने का उल्लेख किया जाना नहीं पाया जाता है, इस प्रकार अपूर्ण जवाब प्रस्तुत किया गया है। जबकि दिनांक 7-3-2001 को प्रस्तुत प्रार्थना पत्र में लड़की का गोणा बिदाई होना अंकित है। इस प्रकार स्पष्ट प्रतीत होता है, कि आरोपित कर्मचारी द्वारा वास्तविक तथ्यों को छिपाया गया। अतः आरोपित आरोप कर्मचारी पर प्रमाणित होता है।

24. It is well settled that the finding recorded in the domestic enquiry can be characterized as perverse if it is shown that such are not supported by any evidence on record and are not based on the evidence adduced by the party or no reasonable person could have come to those findings on the basis of that evidence.

25. Upon perusal of the findings of the enquiry officer in his report in respect of charge under Article 1(स) it reveals that he has not referred any oral evidence. He has only referred annexure- 3(18,19, 20 and 21). It is not evident from the findings that the documents referred were proved by any oral evidence. There is no categorical findings that what required information was not furnished. There is also no such finding that information furnished by the workman was incomplete or wrong. The enquiry officer has given finding that language in the workman's reply Annexure-21 was not proper but there was no such charge. It is also not evident from the findings which charge under article 1 (द) has been found partially proved.

26. Similarly, upon perusal of the findings regarding charge under article 1(द), it reveals that the enquiry officer has not recorded any oral evidence in this regard. He has only referred, documents Annexure-3(22, 23, 18, 19, 20 and 21). It is not evident that the documents referred were proved by any oral evidence.

27. The original documents Annex-3 (22, 23, 18, 19, 20 and 21) which have been referred by the enquiry officer in his findings have not been produced. The photocopies of the documents Annex- 3 (22, 23, 18, 19, 20 and 21) produced by the management are not legible. The contents of the said documents referred in the findings have not been discussed. The management has pleaded in its reply that oral evidence of the witnesses was recorded and opportunity to cross examination was provided to the workman but it is not evident from the findings of the enquiry officer that any oral evidence was recorded in respect of the said charges.

28. For the foregoing reasons, the conclusions drawn by the enquiry officer in respect of charges under article 1(स) and 1(द) are perverse. Therefore, this point is also decided in favour of the workman.

Point No. III

29. Clause IV of Section 10 envisages that the tribunal shall confine its adjudication to only those points which have been referred and matters incidental thereto. For exercising powers under expression 'incidentals' it must arise under the terms of reference and must be incidental to answering that reference and not an issue falling beyond or outside the terms of reference. The entitlement of HRA, Dress allowance, bonus, etc. is not in question in the reference under adjudication. The claim of the workman pertaining to salary, HRA, dress allowance, conveyance charges and bonus cannot said to be matters incidental to the point refer for adjudication, therefore, the relief claimed by the workman in this regard is not maintainable.

30. Since, point no. I and II have been decided in favour of the workman and against the management and conclusions have been drawn that enquiry conducted against the workman was not fair and proper and endings

of the enquiry officer in respect of charges under article 1(स) and (द) are perverse, it is held that the action of the management of the Navoday Vidyalay Samiti, Jaipur in imposing a penalty of withholding of one increment vide impugned order dated 21-7-05 is not legal and justified, therefore, the same is set aside. The workman is entitled to get all consequential benefits as a result of setting aside of the said order. The reference under adjudication is answered accordingly.

31. Award as above.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2012

का. आ. 3258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार-एकसिक्युटिव आफिसर, कन्टोनमेंट बोर्ड कैंन्ट, कानपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 90/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-10-2012 को प्राप्त हुआ था।

[सं. एल-13011/04/2000-आईआर(डीयू)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 1st October, 2012

S.O. 3258.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. Case No. 90/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of the Executive officer, Contonment Board, Cantt., Kanpur and their workman, which was received by the Central Government on 01-10-2012.

[No. L-13011/04/2000-IR(DU)]

SURENDRA KUMAR, Section Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 90/2000

Between :

Sri Mnshukh Lal Valmiki,

General Secretary,

U.P. Cantonment Board,

Shikshak Karamchari Sangh,

32/10, Defence Colony,

Shyam Nagar,

Kanpur.

And

The Executive Officer,

Cantonment Board Cantt,

Kanpur.

AWARD

1. Central Government, MoL, New Delhi, vide notification No. 13011/04/2000-IR (DU) dated 31.07.2000 has referred the following dispute for adjudication to this tribunal.

2. Whether the demand of the Union for same and similar wages i.e. Rs.750-940 to 8 workers from their initial appointment as per annexure from Executive Officer, Cantonment Board, Kanpur is legal and justified? If so what relief the above workers are entitled to?

3. Brief facts on behalf of the union in respect of the workers involved in the case are —

4. That the union in their claim statement has stated that persons named in the reference order viz. Sri Durga Prasad, Sadhu, Ram Tirath and others have been engaged on the post of labour on different dates like Sri Durga Prasad engaged on 22-2-85, Sri Sadhu on 25-2-85 and likewise as mentioned in Para 3, 4, 5, 6, 7, 8, 9 and 10 of the claim statement by the opposite party. The nature of the work was of permanent but they have been engaged as daily rated casual worker.

5. That getting aggrieved by the management as they have not made them regular and permanent, they raised a dispute before ALC Kanpur for regularization upon which the opposite party acted upon and passed an order on 26-11-93 for regularization.

6. It is alleged that the opposite party circulated a seniority list dated 9-10-96 wherein the names of these workers were also included but the date of appointment of these workmen were shown to be as 18-11-93 whereas they had been working much before the circulation of the aforesaid order/seniority list.

7. In the end it is the main grievance of the union that the workers involved in the case should be declared to be a regular employee from the date of their initial appointment in the pay scale of Rs.750-940.

8. Management has filed written statement contradicting the versions of the claimants. It is alleged that these claimants were engaged during the period 1985-86 for a casual work for short period. They have never worked for more than 125 days in a calendar year that too they worked intermittently, they did not complete 240 days in any year. Moreover they did not work for a single day in

between 88 to 92. Thereafter these claimants have raised the industrial dispute before the ALC, Kanpur.

9. There was no decision or order of the ALC to give them permanent appointment, however, purely on humanitarian grounds the Cantonment Board Kanpur, considered the cases of these workmen and after taking approval of Defense Estate Head Quarter Lucknow, appointed these persons on permanent basis as a fresh appointment with effect from 26-11-93, therefore, these employees are not entitled for any benefit whatsoever prior to 26.11.93 as in the past no permanent post was vacant. Their names have been included in the seniority list from the date any one is appointed on any vacancy on permanent basis.

10. Therefore, the union is not entitled to get any relief and the claim on behalf of the workmen is liable to be rejected being devoid of merit.

11. Both the parties have lead oral as well as documentary evidence in support their respective claim.

12. In the oral evidence W.W.1 Sri Sadhu Ram has been produced as a witness and opposite party has produced M.W.1 Sri Kuber Singh who is Engineer of the opposite party.

13. I have examined oral as well as documentary evidence of the contesting parties.

14. Much stress has been given by the AR of the Claimant on certain appointment letters like of Sri Durga Prasad which is paper no. 14/9 and Sri Sadhu Ram which is paper no. 14/12. These are the photocopies. These letters were issued to these workmen when they were engaged in the year 1985. M.W.1 has stated on oath that the claimants have forged all these letters which are photocopies. Opposite party has drawn my attention towards the appointment/engagement letter which are in original and that too has been filed by the claimant by name of Uttam Chand which he could not forged these letters so he filed the issuance letter in original. This is paper no. 31/6. Uttam Chand is also one of the claimants in this case. This letter is in Hindi and it clearly provides that the applicant Sri Uttam Chand has been found suitable to give work according to the need and time to time on the availability of work and this will be purely of temporary nature. This engagement has been on substitute basis as Road Gang Labor and there will be no claim for any future vacancy. If these terms are accepted then the candidate could join. After accepting the terms the candidates have joined the service but what Sri Durga Prasad, Sri Sadhu Ram did, they forged this letter where the word in Hindi 'PAR' was then it was made "permanent" and where the word was "temporary" in Hindi then the word "Aa" was removed and was made "Sthayee". Similarly after the word Many a the word was Nahi. In this word, word Na has been omitted and such type of forgery has been committed. When a

question was put to W.W.1 in the cross he did no denied this fact but he expressed his ignorance.

15. I have perused the original as well as the photocopies of these letters and am of the opinion that there is a clear cut forgery in these documents committed by Sri Durga Prasad and Sri Sadhu Ram.

16. They have not come with clean hands.

17. The evidence adduced by the management that these claimants were engaged purely on casual and temporary basis as back as in the year 1985 with rider that these temporary engagement shall not confer upon them any right to claim regular and permanent employment against the management. Moreover it is also clear from the un rebutted evidence of the management that these workmen have not worked at all during the period 1988 to 1992, as there was no work for them with the opposite party as pleaded by the management.

18. So far as the question of giving seniority and pay scale as claimed by the union in respect of the workers involved in the reference order, I have given my anxious consideration to this aspect of the matter. I am of the concrete opinion that when they have never been appointed by the opposite party on regular and permanent basis and ultimately they have been given regular and permanent employment in the year 1993, therefore, the claim of the workers/union that they are entitled for the pay scale of Rs. 750-940 right from the date of their initial engagement with the opposite party appears to be far from truth.

19. It is settled legal position that grant of pay scale is the sole domain of the employer and if this principle is applied in the case in hand it is crystal clear that the management action cannot be held to be unjust or illegal as at no point of time these workers have been given regular or permanent employment by the opposite party in the year 1985. Their simple engagement with the opposite party was on casual basis with the rider that their temporary or casual employment shall not render upon them any legal right to claim their seniority or pay scale from the date of their initial engagement on casual or temporary basis.

20. Considering the overall aspect of the matter, the tribunal concludes that the union is not entitled to claim the relief in respect of the workmen named in the reference order pursuant to the reference order. Consequently the reference fails and it is held that no relief under the facts and circumstances of the case can be granted to the union.

21. Reference is therefore, answered against the Union and in favour of the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2012

का. आ. 3259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, डाइरेक्टरेट ऑफ

3928 9/12-21

प्लांट प्रोटेक्शन एंड स्टोरेज के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी./एन.जी.पी./43/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-09-2012 को प्राप्त हुआ था।

[सं. एल-42012/15/2007-आईआर(डीयू)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 1st October, 2012

S.O. 3259.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/43/2007) of the Central Government Industrial Tribunal-cum-Labour court, Nagpur as shown in the Annexure, in the Industrial dispute between the employers in relation to The Directorate of Plant Protection Quarantine and storage, and their workman, which was received by the Central Government on 25.09.2012.

[No. L-42012/15/2007-IR(DU)]

SURENDRA KUMAR, Section Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/43/2007 Date : 03-09-2012

Party No. 1 : The Directorate of Plant Protection
Quarantine and Storage,
Central Integrated Pest Mgt. Centre,
New Secretariate Building, 2nd Floor,
Civil Lines, Nagpur-440001.

Versus

Party No. 2 : Smt. Sheelabai Wd/o Bhimrao
Teltumbde Besides Ekta Colony, Yadav
Nagar, Qtr. No. 7, Near Pathan's House,
Rani Durgawati Chowk, Nagpur.

AWARD

(Dated : 3rd September, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of C.I.P.M.C. and their workman, Smt Sheelabai Teltumbde, for adjudication, as per letter No. L-42012/15/2007-IR (DU) dated 29-06-2007, with the following schedule:—

"Whether the action of the management of Directorate of Plant Protection Quarantine and Storage, Central Integrated Pest Management Centre, Nagpur in orally terminating the services of their workman Smt. Sheelabai w.e.f. 24.07.1998 is legal & justified? If not, to what relief the workman is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Smt. Sheelabai Teltumbde, ("the workman" in short), filed the statement of claim and the management of Directorate of Plant Protection Quarantine and Storage, C.I.P.M.C., ("Party No. 1" in short) filed its written statement.

The case of the workman is that she belongs to Scheduled Caste community and her husband expired in 1988 leaving herself, three daughters and one son, behind him and she approached the party No.1 for a job and party No.1 after considering her qualification and other circumstances appointed her as a class-IV employee on daily wages in November, 1993 and she was entrusted with the job of cleaning the premises, glassware, Laboratory equipments and other works and her working hours were from 9.A.M. to 5.30.P.M. and initially, she was being paid Rs. 15 per day, which was subsequently, raised to Rs. 26.50 per day and the party No.1 is an industry and the provisions of the Act are applicable to party No.1 and party No.1 is also an establishment under the Bombay Shops and Establishments Act, 1948, ("1948 Act" in short) and from November, 1993, she completed 240 days of work in every year and under the 1948 Act, notice and compensation are required to be given at the time of termination and therefore, her services could not have been terminated without following the due procedure of law and she was employed as a labourer, for recruitment of which, no rules were framed and similarly the provisions of employment exchange (Compulsory notification of vacancies) were not applicable to her post, but her services were terminated by party No.1 illegally on 24.07.1998 orally, without giving any notice or notice pay in lieu of notice or retrenchment compensation as required under section 25-F of the Act and without displaying any seniority list and her termination w.e.f. 24.07.1998 orally *per se* is illegal and violative of 1948 Act and she is entitled to be reinstated in service with continuity, back wages and all other consequential benefits.

The workman has also pleaded that she performed additional duty of filling water in the coolers for the months of May and June, 1998, but she was not paid the amount of Rs. 1000 towards the same and wages for the months of May, June and upto 24th July, 1998 was also not paid to her and such action amounts to unfair labour practice.

3. The party No.1 in its written statement has pleaded that one Smt. Saraswatibai Nimbalkar had been entrusted

with the part-time safaiwala job right from July, 1988, the beginning of the Centre at Nagpur, but Shri M.K. Ghode, the then Assistant Director favoured and obliged the workman and engaged her for cleaning of the glassware in the Laboratory, in an irregular manner, for the reasons best know to him and the same was not justifiable, as the Directorate of Plant Protection, Quarantine and Storage, Faridabad had appointed one regular Laboratory Attendant for cleaning glassware etc and the same was over looked by Shri Ghode, who manipulated the whole thing and discontinued illegally the services of Smt. Saraswatibai and engaged the workman w.e.f. 06.11.1996 as part time daily wager illegally, contrary to rules and No appointment letter was issued in favour of the workman and it is not an establishment under the 1948 Act and is also not an industry and its activities do not fall under the definition of industry as contemplated u/s. 2(j) of the Act and as such, the provisions of the Act are not applicable to it and there was direction from the Head of department vide O.M. dated 01.05.1998 to obtain an undertaking from the part time safaiwala labourer that he/she shall have no claim for regular appointment having been engaged on part time basis for 2-3 hours, before deployment in the office and the service of the workman was not terminated/discontinued by it, but she herself refused to submit on undertaking that she should have no claim for regular appointment having been engaged on part time basis, as desired by the Chief Administrative Officer, Directorate of Plant Protection, Quarantine and Storage, Faridabad, as a result of which, she was found not eligible to be engaged as part time labourer/safaiwala. It is further pleaded by the party No.1 that the workman was duly paid her wages up to 17.07.1998 by obtaining receipts from her for payment of wages for the months of May, June and July, 1998 and she was also paid wages of Rs. 1000 for filling water in the coolers for the period from April—June 1998 and the workman is not entitled to any relief.

4. Apart from placing reliance on documentary evidence, both the parties have led oral evidence in support of their respective claims.

The workman has examined herself as a witness to substantiate her claims. One Shri V.K. Srivastava, an officer of party No.1 has been examined as a witness on behalf of party No. 1. The examination-in-chief of both the witnesses is on affidavit. In her examination-in-chief, the workman has reiterated the facts mentioned in the statement of claim. However, in her cross-examination, she has stated that her name was not sponsored by the employment exchange and she had gone to the office to enquire about any vacancy and at that time, she found selection for part-time daily wager was going on and she was selected by one Gonde Saheb and no written order of appointment was

given to her and her appointment was an oral order and her duty was only for three hours and her duty was to sweep the office premises and she has already received her wages for the months of May, June and July, 1998.

5. The witness, Shri Srivastava examined on behalf of party No.1 has also reiterated the facts mentioned in the written statement, in his examination-in-chief. In his cross-examination, this witness has stated that Mr. Ghode engaged the workman as a part time safaiwala on his own discretion.

6. At the time of argument, it was submitted by the learned advocate for the workman that the workman worked as a class-IV employee from 1993 with party No.1 and her duty hours were from 9.AM to 5.30 PM and her services were terminated on 24.07.1998 and she had completed more than 240 days of work every year and the certificate filed by the workman shows that she was employed from 01.07.1994 on part time basis and the party No. 1's witness, Dr. V.K. Srivastava in his evidence has admitted that from 06.11.1996, the workman was employed on part time basis and therefore, completion of 240 days work by the workman preceding the 12 months of the date of her termination is not at all disputed and party no.1 is not directly a department of the Government of India and for all purposes, it is an establishment covered, under 1948 Act and under the said Act, notice is required before termination and the case of the workman is illegal termination and the evidence on record clearly shows that the termination of the workman is illegal and before termination of the services of the workman, mandatory provisions of section 25-F were not complied with, so she is entitled for reinstatement in service with all consequential benefits.

It was also submitted by the learned advocate for the workman that the decision of the Hon'ble Apex Court reported in (2006) 4 SCC-1 (Secretary, State of Karnataka Vs. Uma Devi) has no application to this case, as the said judgment is on fundamental rights and not on the Industrial Disputes Act and the Hon'ble Apex Court have taken a fresh view in this regard in Casteribe case.

In support of such contentions, the learned advocate for the workman placed reliance on the decision reported in 2009 III CLR-262 (Maharashtra S.R.T.C. Vs. Casteribe Rajya P. Karmachari Sangathan).

7. Per contra, it was submitted by the learned advocate for the party No.1 that the workman was engaged by Mr. Ghode, the Assistant Director in an irregular manner and Mr. Ghode discontinued the services of Smt. Saraswatibai, who was engaged as part time daily wager w.e.f. July, 1988 and the workman was not discontinued by party No.1, but she herself stopped coming on duty and this fact has been proved from the evidence on record and this contentions have not been challenged by the workman in the cross-examination.

It was further submitted by the learned advocate for the party No.1 that the post of part time safaiwala, to which the workman was appointed was not a sanctioned post and it is well settled by the Hon'ble Apex Court that no protection or regularisation could be granted to part time daily wager when the said post was not sanctioned. It was also submitted by the learned advocate for the party No.1 that party No.1 is not an industry as defined u/s. 2(j) of the Act and it is also not an establishment as per the 1948 Act and as such, the reference is deserved to be answered in favour of party No.1 holding the action of the management is legal and justified.

In support of such contention, the learned advocate for the party No.1 placed reliance on the decision reported in (2006) 4 SCC-1 (Secretary, State of Karnataka Vs. Uma Devi).

8. In view of the stands taken by the parties, the first question required to be considered is as to whether, the party no.1 is an industry as defined under section 2 (j) of the Act.

In this regard, I think it apropos to mention about the judgment of the Hon'ble Apex Court reported in AIR 1978 SC 548 (Bangalore Water Supply Vs. Sewerage Board). In the above judgment, the Hon'ble Apex Court have held that:—

"S.2(j)- "Industry"- Meaning and scope of what the term includes and excludes - Tests and guidelines for such inclusion and exclusion indicated—Charitable Institutions, Clubs, Educational Institutions, Municipalities, Research Institutes, Co-operative Societies, Establishment of Liberal profession, if industry—Agencies and departments of Governments engaged in any non-sovereign functions when deemed to be industry indicated—Complex of services—Some qualifying for exemptions and some not-Tests

"Industry" as defined in the sub-section has wide import.

Where there is (i) Systematic activity, (ii) Organised by cooperation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and /or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss), *prima facie*, there is an industry in the enterprise.

Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.

The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer employee relations."

Taking into consideration the pleadings of the parties regarding the activities and functions performed by party no.1 and applying the principles enunciated by the Hon'ble Apex Court in the judgment as mentioned above, it is found that party No.1 is an "industry" as defined under section 2(j) of the Act. It is necessary to mention here that the party No.1 is a Central Government department and as such, not an establishment under the 1948 Act.

9. It is the admitted case of the parties that the engagement of the workman was made by Shri Ghode, the then Assistant Director of party No.1 on daily wages basis as a part time safaiwala. It is also clear from the pleadings of the parties and the evidence on record that the engagement of the workman was not in accordance with the Rules of recruitment of class-IV employees.

10. According to the workman, she was employed by party No.1 in November, 1993 and worked till 24.07.1998 and she had completed 240 days of work in every year. According to party No.1, the workman was engaged by Shri Ghode as part time daily wager illegally, contrary to rules w.e.f. 06.11.1996 and prior to that the workman was engaged in laboratory work (Cleaning of glassware) in an irregular manner by Shri Ghode. However, there is no dispute that the workman had completed more than 240 days of work in the preceding 12 months of the date of her disengagement i.e. 24.07.1998.

From the materials on record, it is found that the engagement of the workman as daily wager part time safaiwala was w.e.f. 01.07.1994.

11. According to the party No.1, the workman was asked to give an undertaking not to claim regularisation on the basis of her temporary engagement as a part time safaiwala on daily wages, as per the OM dated 01.05.1998 issued by the Chief Administrative Officer, Directorate of Plant Protection, Quarantine and Storage, Faridabad and she refused to submit such an undertaking, as a result of which, she was not eligible to be engaged as part time labourer/safaiwala. The witness examined by the party No.1 in his examination-in-chief has also reiterated the same thing. However, during cross-examination, this witness tried to show that when the workman was asked to give the undertaking, she stopped to come for work. In absence of any pleading that the workman herself stopped to come for work, in the written statement, the statement of the witness for the party No.1 in that regard cannot be believed and relied upon.

From the pleadings of the parties and materials on record, it is clear that the services of the workman was terminated orally w.e.f. 24.07.1998, without compliance of the mandatory provisions of section 25-F of the Act and such the termination amounts to retrenchment. So, the termination of the workman is illegal.

12. At this juncture, I think it apposite to mention that in the decision reported in (2006) 4 SCC-1 (Supra), the question of legality or otherwise of the termination of the services of a workman without compliance of the mandatory provisions of Section 25-F of the Act was not before the Hon'ble Apex Court for consideration and as such, with respect, I am of the view that the said decision is distinguishable in its application to the present case in hand.

13. The question now for consideration is as to whether the workman is entitled for reinstatement in service. In this regard, I think it proper to mention about the principles enunciated by the Hon'ble Apex Court in the case between the "In-charge officer and another versus Shankar Shetty", reported in 2011(1) SCALE-583. In the said decision, the Hon'ble Apex Court have held that, "Industrial Disputes Act 1947/Section 25F/Daily wager/Termination of service in violation of section 25(F)/Award of monetary compensation in lieu of reinstatement /Respondent was initially engaged as daily wager by appellants in 1978/His engagement continued for about 7 years intermittently up to 06.09.85/ Respondent raised industrial dispute relating to his retrenchment alleging violation of procedure prescribed in sec. 25(F) of the Act/Labour Court rejected respondents claim: holding that Section 25(F) of the Act was not attracted since the workman failed to prove that he had worked continuously for 240 days in the calendar year preceding his termination 06.09.85. On appeal, High Court directed reinstatement of Respondent into service holding that termination of respondent was illegal—Whether an order of reinstatement will automatically follow in a case where engagement of a daily wager has been brought to an end in violation of section 25(F) of the Act—Allowing the appeal — held:

"The High Court erred in granting relief of reinstatement to the respondent. The respondent was engaged as daily wager in 1978 and his engagement continued for about 7 year intermittently up to September 6, 1985 i.e. about 25 years back. In a case such as the present one it appears to us that relief of reinstatement cannot be justified and instead monetary compensation would meet the ends of justice. In our considered opinion the compensation of rupees one lakh (Rs. 1,00,000) in lieu of reinstatement shall be appropriate, just and equitable".

The principles enunciated by the Hon'ble Apex Court as mentioned above are squarely applicable to the present case at hand. The workman was engaged as a daily wager by the bank on 01.07.1994 and continued for about 4 years up to 24.07.1998. Applying the principles, enunciated by the Hon'ble Apex Court as mentioned above that to the case in hand and taking into consideration the mode and length of engagement and other facts and circumstances

of the case, it appears to me that a relief of reinstatement is not justified and instead monetary compensation would meet the ends of justice. In my considered opinion, compensation of Rs. 50,000 (Rupees fifty thousand) in lieu of reinstatement shall be appropriate, just an equitable. Hence it is ordered.

ORDER

The action of the management of Directorate of Plant Protection Quarantine and Storage, Central Integrated Pest Management Centre, Nagpur in orally terminating the services of their workman Smt. Sheelabai w.e.f. 24-07-1998 is illegal & unjustified. The workman is entitled for monetary compensation of Rs. 50,000 in lieu of reinstatement. He is not entitled for any other relief.

The party No.1 is directed to pay the compensation of Rs. 50,000 to the workman within one month from the date of Publication of the award in the Official Gazette.

J.P. CHAND, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2012

का. आ. 3260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 32/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2012 को प्राप्त हुआ था।

[सं. एल-12012/155/2004-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 1st October, 2012

S.O. 3260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 32/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 1-10-2012.

[No. L-12012/155/2004-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

3928 9/12-22

NO. CGIT/LC/R/32/2005

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

The General Secretary,
Daily Wages Bank Employees Association,
9, Sanwer Road,
Ujjain (MP)

... Workman

Versus

The Deputy General Manager,
State Bank of India,
Zonal Office, Hamidia Road,
Bhopal

... Management

AWARD

Passed on this 6th day of September 2012

1 The Government of India, Ministry of Labour vide its Notification No.L-12012/155/2004-1R(B-1) dated 29-4-2005 has referred the following dispute for adjudication by this tribunal:-

"Whether the action of the management of Dy.General Manager, State Bank of India, Bhopal in not regularizing the services of Smt. Krishna Bai, Sweepress-Cum-Messenger is justified? If not, to what relief the workman is entitled for?"

2. The case of the Union/workman in short is that the workman Smt. Krishna Bai was engaged in June 1989 at Mandoda Branch of the State Bank of India (in short SBI) as Safai Karamchhari. She worked continuously till December 1997. She had worked more than 240 days in each calendar year. It is stated that on 27-10-1988 a settlement was arrived between the management Bank and the SBI Union for taking in permanent employment to the casual labour employed in between 1-7-1975 to 31-7-1988 with certain conditions. The period was extended to 14-8-1991. The workman was called for an interview on 14-2-1997. She appeared in the interview but she was not taken in employment and those who had worked less days than Smt. Krishna Bai were taken in permanent employment of the Bank. It is stated that instead of taking in permanent employment, the workman was terminated from service after Dec.-1997 which was illegal and unjustified. It is submitted that the workman Smt. Krishna Bai be reinstated and thereafter be regularized in the permanent employment of the management Bank with back wages.

3. The management appeared and filed Written Statement in the case. The case of the management, inter alia, is that the instant dispute is raised by the workman through Shri Ram Nagwanshi who cannot represent the workman in the present reference. It is stated that admittedly the workman was engaged as sweeper at Mandoda Branch

of the SBI. She worked in the year 1989 for 139 days, 1990 for 290 days, in 1991 for 326 days, in 1993 for 355 days and in 1994 for 197 days. There was no permanent post of sweeper in the said branch and the engagement was contract basis. It is stated that she was not engaged for 240 days during a period of one calendar year preceding the date of her non-engagement. Since she was engaged on contract basis, the provision of Section 2(oo)(bb) of the Industrial Disputes Act, 1947 (in short the Act, 1947) was applicable. The provision of Section 25F of the Act, 1947 was not applicable. It is stated that several agreements were made between the management and SBI Staff Federation. The workman was also called for interview on 14-2-1997 but she was not selected in the interview and therefore she was not given permanent appointment in the Bank. The workman was not discontinued by the management, rather she herself left for village. It is stated that there is no violation of the provision of Section 25 G and N of the Act, 1947. It is submitted that the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication-

- I. Whether the action of the management in not regularizing the services of Smt. Krishna Bai, Sweepers-cum-messenger is justified?
- II. To what relief the workman Smt. Krishna Bai is entitled?

5. Issue No. I

According to the workman, she was engaged in June 1989 at Mandoda Branch and worked till December 1997. It is stated that she was not regularized in view of the settlement in the permanent service of the bank. She was terminated without notice and without compensation in violation of Section 25-F of the Act, 1947. On the other hand, the management has contended that she was engaged on casual basis and worked upto 1994 only. She was not engaged for 240 days during a period of one calendar months preceding the date of her disengagement i.e. till December 1997 as has been alleged. Thus Section 25-F of the Act is not attracted. It is stated that she was not selected in interview and therefore the question of regularization doesnot arise.

6. The workman Smt. Krishna Bai is examined in the case. She has supported his engagement from June 1989. The management has also supported her engagement from 1989 in his pleadings. She has stated that she was disengaged from 2-1-97 but the pleading is that she worked till December 1997. She has contradicted her own pleading. This itself shows that she had not completed 240 days for a period of one year in twelve calendar months preceding the date of alleged termination from December 1997 as has been provided under Section 25B(2) of the Act for considering

one year continuous service. This shows that the provision of Section 25-F of the Act, 1947 is not attracted. She has admitted in her evidence that she is illiterate and can only sign. She has stated that she worked for 658 days till August 1991 but she was not taken in permanent employment and those who worked less than her were taken in employment.

7. The workman has also filed documentary evidence in the case which are admitted by the management and are marked as Exhibit W/1 to W/9. Exhibit W/1 is the reference order. Exhibit W/2 is notice for taking casual labours in permanent employment in view of the settlement arrived between the management and the SBI Union Federation. This is filed to show that on the basis of this notice, the workman was interviewed but she was not selected. The notice shows that there is a criteria of educational qualification. It appears that for messenger the candidate must be under matric or minimum VIIIth pass. The reference order shows that she was claiming the post of sweeper-cum-messenger. She was admittedly illiterate. This shows that she was not entitled to be taken in permanent service in view of the terms of settlement. Exhibit W/3 is the application of the Union to the Asstt. Labour Commissioner (C), Bhopal raising the industrial dispute. Exhibit W/4 is another application to ALC(C) regarding claim of bonus. Exhibit W/5 is the reply of the management to the ALC(C) Bhopal denying the claim of the workman. Exhibit W/6 is the rejoinder by the union to ALC(C), Bhopal. Exhibit W/7 is the copy of affidavit of the workman to the ALC(C) Bhopal. Exhibit W/8 is failure report by the ALC(C) Bhopal to the Ministry. Exhibit W/9 is the letter of Asstt. General Manager to Zonal office seeking information regarding casual labours employed in the bank. Thus the documentary evidence also shows that she was not eligible to be taken in permanent employment of the Bank in view of the settlement as she had no requisite educational qualification.

8. On the other hand, the management has also examined one witness. The management witness Smt. Rita Shukla is working as Chief Manager (Adm.) at Regional office, Ujjain. She has given the figure of works done by the workman. This shows that Smt. Krishna Bai worked only till 1994 for 197 days and she had not worked till December 1997. This further shows that the workman had not completed 240 days preceding twelve calendar months from December 1997 to attract the provision of Section 25(B)(2) of the Act, 1947. The management witness has further stated that the workman was not fulfilling the prescribed educational qualification. She was illiterate. The evidence of the management further proves that there is no violation of the provision of the Act, 1947 and the workman was not entitled to take in permanent employment in view of the settlement. This issue is decided against the workman and in favour of the management.

9. Issue No. II

On the basis of the discussion made above, I find that the action of the management is legal and justified. The workman is not entitled to any relief. The reference is accordingly answered.

10. In the result, the award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2012

का. आ. 3261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, औरंगाबाद के पंचाट (संदर्भ संख्या 77/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-10-2012 को प्राप्त हुआ था।

[सं. एल-12012/64/2007-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 1st October, 2012

S.O. 3261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2007) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, AURANGABAD (MS) as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 01-10-2012.

[No. L-12012/64/2007-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

IN THE LABOUR COURT, MAHARASHTRA

AT AURANGABAD

Reference (IDA) No. 77/2007

The Asstt. General Manager,
State Bank of India, Region IV,
Regional Office, Aurangabad. ... First party/employer

-Versus-

Shri Subhash A. Gosavi,
302, Silver Gate, sector B, N-1,
CIDCO, Aurangabad. ... Second party/workman

Coram : D.B. PATANGE, JUDGE.

Appearances : Shri Prakash B. Paithankar, Advocate
for the first party/employer.

: Shri P.L. Shahane, Advocate for the
second party/workman.

AWARD

Dtd. 03.08.2012

This Reference has been made over by Government of India (Bharat Sarkar) Ministry of Labour by its order dtd. 06/09/2007 to resolve the dispute between the above-named parties as contemplated under section 10 & 12 of the Industrial Disputes Act, 1947 (which shall hereinafter referred to as the I.D. Act, 1947) in respect of reinstatement and continuity of service of the second party/workman along with back wages.

2. The brief facts of the Reference may be stated as under:

In response to the notices issued to both the parties, the Second party/workman appeared in this matter and filed his Statement of Claim vide Ex.U-4. It is contended that the second party/workman joined his service on 11-01-1979 as a Clerk at Deolali Camp Branch. Subsequent thereto, he has been promoted as Electronic Machine Operator. However, in the year 1983 a Criminal Case was registered against the second party/workman for the offences under section 409, 240 r.w. section 109 of I.P.C. bearing RCC NO. 75/1983 which was renumbered as RCS 195/92 afterwards. Subsequent thereto, the Chief Judicial Magistrate at Dhule by his Judgment & Order dtd. 17/11/1995 has acquitted the second party/workman from all the charges. Accordingly, 11/03/1996, the second party/workman came to be reinstated in service and posted as Clerk-Typist at Shahada Branch. He was transferred to Ashti District Beed by an order dtd. 29/11/1996.

3 It is contended that on 27/03/2000, while the second party/workman was working at Aurangabad, a show cause notice came to be issued by the first party/employer inviting his explanation for various allegations. On 15/01/2001 again first party/employer issued notice calling explanation of the second party/workman as to why appropriate disciplinary action should not be initiated against him. Whereas, on 27/02/2001 it issued first show cause notice regarding unauthorised absence, calling his explanation. Subsequent thereto, a charge sheet (revised) came to be issued on 17/03/2001 in which there was reference of other charge sheet dtd. 20/05/2000 and show cause notices. According to the first party/employer, the acts referred in the revised charge sheet will come under 'gross misconducts' of Sastri Award para 521 (4) (e) (j) and Minor misconduct' under para 521 (6) (a) (b) (c). Accordingly, an enquiry was commenced on 10/08/2001 and adjourned to 29/08/2001, 06/09/2001, and afterwards 04/12/2001. The presenting officer submitted his brief notes. Accordingly, on 22/02/2002, a copy of enquiry report was given to the second party/workman in which all charges except charge

no. 3 were proved. The first party/employer submitted his submissions on 14/03/2002. On 28/06/2002 a second show cause notice has been issued to the second party/workman regarding proposed punishment. On 30/09/2002, the first party/employer issued final order and decided to impose the punishment as stated in the notice dtd. 28/06/2002 and thereby discharge the second party/workman from service with superannuation benefits. Subsequent thereto, the second party/workman preferred an Appeal on 16/11/2002 and same came to be dismissed on 27/01/2004.

4 It is contended that entire approach of the first party/employer was illegal, erroneous and it was bent upon to remove the second party/workman from service. The charges were vague and enquiry was conducted against him on presumptions. It is also contended that some of the charges were vague and could not be a ground for holding enquiry and same are inconsistent with the Sastri Award. It is also alleged that first party/employer never refused to sanction any of the leave on any count to the second party/workman. Even otherwise, said charge of unauthorised absence would be minor misconduct as per para 521 (6) (a) (b) (c) of Sastri Award and therefore, punishment of discharge from service would be highly disproportionate. The charges 01 to 5 cannot constitute 'gross misconduct' for infliction of said disproportionate punishment. Moreover, the punishment was also in accordance with the provisions of 521 (4) (e) (j) of Sastri Award and therefore, said punishment amounts to illegality. Therefore, the second party/workman has prayed to set aside the order of discharge in pursuant of enquiry report and order of Appeal along with consequential relief including reinstatement in service with continuity and full back wages.

5 The first party/employer filed its Written Statement vide Ex.C-5 in response to the notice issued by the Court and thereby denied material averments in the Statement of Claim being false and incorrect. It has been mainly contended that there is inordinate delay in raising industrial disputes by the second party/workman and therefore, the Reference is not tenable. The second party/workman has suppressed material facts from this Court, as he was highly violent, unlawful and supercilious at various branches at material times. It is contended that before commencement of the domestic enquiry some more lapses were surfaced subsequently and therefore, a revised charge sheet was issued to the second party/workman. In the domestic enquiry, the second party/workman was duly represented by his representative. Mr. B.W. Patil and all opportunities as per the principles of natural justice were duly given. Subsequent thereto, after conclusion of enquiry, the Enquiry Officer has submitted his report on 14/02/2002. Subsequently, on 29/08/2002, the Disciplinary Authority tendered personal hearing to the second party/workman. Accordingly, after consideration every material, the second party/workman was subjected to appropriate punishment

of discharge with superannuation benefits under clause 6-d of the Bipartite settlement dtd. 10th April, 2002. It is also contended that the second party/workman unsuccessfully contested the departmental appeal which was dismissed on 27/01/2004. Moreover, on 17th July 2000, the second party/workman and his son Shri. Pritam Gosavi had intimidated, threatened, assaulted to the Bank Guard. The second party/workman not only created indiscipline in the Bank but also defrauded the general public by floating co-operative society, without the permission of the Bank. However, the second party/workman failed to give any explanation in this regard.

6 It is also contended that the charges levelled against the second party/workman in the enquiry were duly proved. Moreover, owner of the house in which the second party/workman was allegedly residing is his near relative, which creates genuineness about rent receipt. It is also contended that restraint shown towards the second party/workman for his unauthorised absence cannot be construed as sanctioned leave. Therefore, the punishment imposed on second party/workman was based on proved charges in the enquiry. Similarly, the Branch Manager being presenting officer has not caused any prejudice to the second party/workman, since, said objection was not raised at the relevant time. It is also submitted that Indian Bank's Association has since signed a fresh Bipartite Settlement with workmen's Union, including National Confederation of Bank Employees to which All India State Bank of India Staff Federation is affiliated. According to the Bank, this settlement is regarding Disciplinary Action Procedure for workmen. This Settlement is in super-session of all the earlier provisions relating to Disciplinary Action, Procedure for workmen in banks and its provisions shall take effect from the date of Settlement. Therefore, the first party/employer has rightly taken action in accordance with the prescribed provisions under Bipartite Settlement dtd. 10/04/2002, which is binding on the second party/workman. As such, first party/employer prayed for rejection of the Reference.

7 In view of the rival pleadings of the parties, issues were framed by my learned Predecessor at Ex.0:4. I have recorded my findings for the reasons to follow:

Sr No	Issues	Findings
(1)	(2)	(3)
1	Whether the second party/workman proves that his termination dated 28.6.2002 is illegal, improper & unjustified ?	In the affirmative
1-A	Whether the inquiry conducted by the first party/employer is fair & proper and as per the principles of natural justice?	In the affirmative

(1)	(2)	(3)
1-B	Whether the findings drawn by inquiry officer are perverse ?	Partly proved
2	Whether the second party/workman is entitled for reinstatement with continuity of service & back wages ?	As per final order.
3	What Award ?	As per final order.

REASONS

8. It may be recalled that initially, after recording the evidence of preliminary issues, this Court held that the enquiry in question was legal, fair and proper and in accordance with the principles of natural justice and findings of the enquiry officer are not perverse by an order dtd. 02/07/2009. Subsequent thereto, the said order of Preliminary Issues were challenged in W.P. No. 7759/2009 before the Hon'ble High Court Bench at Aurangabad. In pursuant of an order dated 19-10-2010 the Hon'ble High Court disposed off said Writ Petition by setting aside the order passed by this Court on Preliminary Issues dtd. 02/07/2009. In the said order, it has been directed that preliminary issues 1-A & 1-B will be considered by this Court along with other issues, since, said arrangement was accepted by both the learned Counsel. Subsequent thereto both parties have adduced their respective evidence before the Court and also relied on earlier evidence adduced on their behalf, so also they relied on all the documents mainly that of enquiry proceeding.

9. It may be recalled that much emphasis has been placed upon the fact that the present Reference is delayed and therefore, cannot be looked into for any purpose. In this regard, the Learned Counsel for the first party/employer submits that present reference has been filed belated i.e. after the punishment meted by the second party/workman. In support of his submission, he relied on following decisions :

1. U.P. State Road Transport Corporation Vs. Babu Ram reported in 2006 AIR SCW 3457.
2. Asstt. Engineer, C.A.D., Kota Vs. Dhan Kunwar reported in AIR 2006 SC 2670.

10. Whereas, Mr. Shahande, Learned Counsel for the second party/workman has submits that the first party/workman never challenged the reference by way of Writ Petition on the ground of delay and deny existence of industrial disputes by relying upon a decision of Hon'ble Apex. Court reported in 2007 (7) Supreme 629 in case of Karansingh Vs. Executive Engineer Haryana State Marketing Board.

11. It is seen that the punishment dtd. 28-06-2002 was proposed to the second party/workman subsequent to the findings of departmental enquiry and thereafter the second

party/workman had preferred an appeal and the same ultimately came to be dismissed on 29-01-2004. Thus, considerable period seems to be consumed in challenging legal battle to the second party/workman subsequent to punishment. Thereafter he approached the Government of India for raising the present Dispute in the year 2007 and this Reference referred to this Court on 06-09-2007, thus, there appears to be no deliberate and unexplained delay in raising industrial dispute. Even otherwise, on this point the reference was not challenged before the Honble High Court, on behalf of the first party/employer. Consequently, it cannot be said that the present reference is stale and cannot be considered.

12. On the above back ground of directions, this Court is now required to decide the aspect of fairness of enquiry conducted by the Enquiry Officer regarding the alleged misconduct of second party/workman along with perversity of the findings, afreshly along with other issues framed in this matter. Accordingly, the second party/workman adduced its evidence by way of an affidavit vide Ex.U-10. In his evidence, he reiterated the contentions made in the Statement of Claim. In his cross examination, he admits that he was charge sheeted by the bank and he replied the same. He also admits that Mr. Balasaheb Patil was his defence representative in the domestic enquiry. He further admitted that whatever documents were produced by the bank in the enquiry proceeding, they all were disclosed to him. He also admits that whatever the witnesses were examined by the bank, opportunity was given to him to cross examine them. He volunteers that his witnesses could not be present on the given date and further date was requested for but that was refused. He also admits that he was given opportunity to produce all the documents whatever relied by him. In the cross examination, he stated that after his representation dtd. 7-09-2001, he could not remain present, therefore, the bank has closed the enquiry. He also admitted that copy of domestic enquiry proceeding are supplied to him. Witness volunteers that personal hearing was not given to him. During the cross examination, a letter dtd. 14/03/2002 is exhibited which is addressed to the disciplinary authority of the bank. He admitted that in the said letter, he has nowhere stated that the bank has not granted him permission to examine his witnesses. He denied that he has deposed after thought, so also, the bank has given him fair opportunity in the domestic enquiry.

13. After remand of the matter, the second party/workman also adduced evidence vide Ex.U-49. Wherein, he denied that he was not honorably acquitted in the criminal trial. He admitted that he has not filed documentary evidence regarding shifting of household kit from Ahmednagar to Shahada. He admitted that he availed leave fare concession in the November 1996, when he was posted at Shahada and had quoted his address of Ahmednagar on said application. He admitted that he has not submitted T.A. bill regarding shifting of household kit from

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Ahmednagar to Shahada. He admitted that he has no dispute regarding leave application and muster rolls produced on record. He denied that he never shifted household kit from Ahmednagar to Shahada.

14. In support of his contentions, the second party/workman also adduced evidence of Smt. Sangita Mahendra Sharma. In the evidence she stated that at Narayangaon, Pune, there was transport firm viz. Haryana Golden Transport Services from the year 1987. Branch office of said firm was closed by her husband prior to year 1996. After demises of her husband, said firm was closed. In her evidence, she has also exhibited the receipt which is at Ex.U-11/2. She denied that the second party/workman did not transfer his household kit from Shahada to Ahmednagar.

15. The second party/workman also adduced evidence of Mr. Pramod S/o. Shivgir Gosawi, in relation to his residence at Shahada. He stated that the second party/workman was used to reside in their house on rent basis. During the course of evidence, he also proved and exhibited rent receipt which is signed by his mother. In the cross-examination, he admitted that when second party/workman was residing at their house, they never met each other. He further admitted that as his mother was looking entire affairs of rented property, therefore, he does not know anything.

16. The first party/employer also adduced the evidence of Mr. Sunildatt S/o. Kamlakar Kulkarni, who was the Presenting Officer in the enquiry proceeding. He has deposed in accordance with the contentions made in the Written Statement. In the cross-examination, he denied that he has no authority to depose in the matter. He admitted that he is not aware whether second party/workman had been charge sheeted by the Bank in respect of his violent & unlawful activities. He also admitted that workman was acquitted by the court and subsequent to that he came to be reinstated. He also admitted that the forming of co-operative society affair of second party/workman is having no bearing upon charges in the present case. He also admitted that apart from present case, the second party/workman did not face any of the domestic enquiry for any charge. He also admits that the second party/workman did not face any of the punishment prior to this punishment. He also admits that he has not produced any of the confidential report of the second party/workman. He stated that the second party/workman remained absent for 205 out of 236 days. He admits that period of absence in 1996-97 of second party has been treated as leave.

17. The Bank also adduced evidence of its employee viz., Mr. Chandrakant Mahale mainly in respect of using of vehicle by the second party to approach the bank.

18. The Learned Counsel for the second party/workman Mr. P.L. Shahane submitted that enquiry in question was not conducted in accordance with the principles of natural

justice. He also submits that all the charges in the enquiry are vague and inconsistent with the provisions of Sastri Award, so also with Bi partite Settlement. He also submits that the evidence recorded in the enquiry is altogether vague and inconsistent with the charges levelled against the second party/workman. He thus summarized the evidence recorded in the enquiry, in the light of charges and accordingly submits that none of the charges against the second party/workman was proved in the enquiry still the second party/workman was dealt with disproportionate punishment. He also submits that the second party/workman was victimized in order to avenge acquittal of second party/workman in the Criminal case instituted by the first party/employer.

19. Mr. P.L. Shahane, the Learned Counsel for the second party/workman would also submit that the second party/workman was not allowed to examine some of the witnesses in the enquiry, therefore, there was breach of natural justice. He also submits that only charges in the enquiry were not substantiated, but also the same were not proved before this Court. He also submits that the second party/workman be reinstated in service along with consequential benefits. He also relied on numerous decisions which will be discussed hereinafter.

20. Whereas, the learned Counsel for the first party/employer Mr. Prakash Paithankar vehemently argued that this is delayed Reference made by the second party/workman to the Government for adjudication without any justification for that. He also submits that every possible opportunity was tendered to the second party/workman in pursuant of the domestic enquiry to defend his case. He also submits that the contentions of the second party/workman regarding non allowing him to examine witnesses is incorrect statement, since, he himself failed to bring his witnesses, as undertaken by him. He also argued on the point of proving the charges by the first party/employer in the enquiry on the basis of evidence rendered by the first party/employer. Mr. Prakash Paithankar also submits that practically the second party/workman remained present on duty for a period of 19 days within his tenure at Shahada branch. Therefore, all the allegations against the second party/workman were proved in the enquiry, as in those days, it is possible to commute by Car. He also submits that the second party/workman remained absent on duty without getting sanction of the leave and therefore said absence amounts to unauthorised absence, which was duly proved in the enquiry, on the basis of evidence. He also submits that evidence recorded by the second party/workman before this Court is amounting to hear-say evidence and therefore, only inference can be drawn that the second party/workman was never shifted at Shahada and still he claimed shifting of household kit bill. As such, Mr. Paithankar submits that on the basis of proved charges against the second party/workman, reference be answered in negative.

Issue Nos. 1-A & 1-B.

21. Since, these issues are interlinked, they can be decided together. It is contention of the second party/workman that enquiry conducted against him on behalf of the first party/employer is contrary to the principles of natural justice, in which he was not afforded equal opportunity to defend his case. It is his contention that he was not allowed to examine some of the witnesses in the enquiry, therefore, the said enquiry is illegal and defective. In this respect, it has been submitted by the Learned Counsel for the first party/employer the admissions rendered by the second party/workman, in his cross examination would be self explanatory, since, he admits every aspect of participating in the enquiry, his indulgence in taking cross-examination of the management witnesses and his access to every documentary evidence in the enquiry.

22. Before adverting to evidence led in the enquiry and its authenticity of evidence, it would be paramount to see the requisite parameters of conducting domestic enquiry and role of enquiry officer, therein. It is well settled that findings of Enquiry Officer may be attacked on following grounds:

(1) If the Enquiry Officer collected any material from outside sources during the conduct of enquiry; (2) violation of principles of natural justice which depends on the facts and circumstances of the case (3) Fair play is not followed by Enquiry Officer; (4) Enquiry Officer should not travel beyond the charges and any punishment on the basis of finding which is not subject-matter of charges is illegal; (5) presumption or suspicion cannot take place of proof or evidence.

23. It is expected that the enquiry officer should evaluate the evidence brought on record. He need not write a very long and elaborate report, but it is his duty to write clearly and precisely his conclusions and to indicate briefly his reasons for reaching such conclusions. The finding of enquiry may be characterized as perverse, if it is not supported by any evidence on record or is not based on the evidence adduced by the parties or no reasonable person could have come to those findings on the basis of that evidence. Where the findings of misconduct are based on no legal evidence and the conclusion is one to which no reasonable man could come, the finding can be rejected as perverse.

24. Perusal of enquiry papers would reveal that the second party/workman was afforded full participation on behalf of first party and he was allowed to take cross-examination of the management witnesses, so also, he was permitted to examine some of his witnesses, though he failed to do so. It is worthwhile to note that the second party/workman was permitted to appoint defence representative of his choice viz., Mr. Balasaheb Patil. In

this respect, the admissions rendered by the second party/workman, in his cross would be worthy. In his cross-examination, he admits that whatever documents were produced by the Bank in the enquiry were disclosed to him. Thus, it is ample clear that the contention of second party/workman that he was not allowed to examine the witnesses is of no consequence, since, he endorsed in the enquiry by way of application which is filed with list Ex. C-14/1 that if he failed to produce his witnesses on 07-09-2001 his witnesses will not be considered. In this background, it can be said that enquiry conducted against the second party/workman was in accordance with the principles of natural justice in which every opportunity was extended to the second party/workman to defend his case.

25 Now it has been seen whether charges in the enquiry were proved or not. In this respect, it will be worthwhile to see the nature of charges against the second party/workman. The said charges can be read thus:

- (i) Not replying the queries raised against the TE bill by the controllers letter dtd. 16/09/1997
- (ii) Claiming Truck charges Rs. 4750 without transporting family hold kits from Shahada to Ahmednagar.
- (iii) Shifting family at Ahmednagar instead of place of posting i.e. Ashti without seeking permission from controlling authority.
- (iv) Preferring claim of Rs. 439 for bus fare from Shahada to A'nagar for self & family without evidence in support of expenditure.
- (v) Preferring double claim for amount of Rs. 682.
- (vi) Unauthorised absence, violation of leave rules and disobedience of controllers instructions.

26 Perusal of enquiry papers filed with list Ex.U-5 & Ex.U-16 would indicate that Mr.R.B. Wakhare, was appointed as enquiry officer while Mr. S.K.Kulkarni was the Presenting Officer, whereas, Mr. B.W.Patil was the Defence Representative of the second party/workman. It also revealed that hearing of the enquiry was held on 14-07-2000 and subsequent thereto on 10-08-2001 & 07-09-2001. Perusal of said enquiry would also indicate that in all six witnesses came to be examined on behalf of the management to prove the charges against the second party/workman. Similarly, relevant documents came to be filed in the enquiry.

27 The gist of evidence recorded by this witnesses would indicate that they were not sure whether the second party/workman viz., Subhash Gosavi was residing at Shahada or not in the rented premises. Similarly, all of them would state in their respective evidence that the second party/workman used to approach the Bank by car and used to park the same beside the Bank. They also echoed in

their evidence absence of second party on duty either by obtaining leave or otherwise from bank for considerable period. Even there was some good words regarding his work in their respective evidence. Thus in nut-shell, there was no specific evidence before the enquiry officer about many of the charges in authentic form by any of the witnesses.

28. Now turning to the finding report of the Enquiry Officer, in this context, it would be noteworthy that the enquiry officer appears to have not specifically considered the evidence of these witnesses while recording his findings. It is seen that in his entire report, he considered prosecution arguments and defence arguments and subsequent thereto has recorded his findings without actually assessing evidence deposed by the witnesses recorded by the enquiry officer.

29. It revealed that in terms of allegations no. 1 certain clarification on the point raised in the letter were called, which is allegedly not given by the second party/workman. It reveal that said alleged letter, to which clarifications were sought was not produced in the enquiry, therefore, unless said letter was produced, the said charge cannot be said to be proved. Even otherwise, in the said finding of this charge, it has been reiterated that the presenting officer himself was the Branch Manager, who issued the letter. This fact is also obviously prejudicial to the interest of second party/workman, as rightly urged by the learned Counsel for the second party/workman.

30. Perusal of said report would indicate that the allegation no.2 was in respect of claiming falsely Rs. 4,750 towards transportation of household kits by the second party/workman from the first party/employer. In this context, there appears to be much emphasis upon the arguments of both side and finding was answered in affirmative based on assumption and presumption. More particularly, on the point that Shahada is place where transportation could have been available. However, the strange observation of the enquiry officer that Smt. Sunita Shivagir Buwa, who happens to be close relative of the second party/workman was based without any foundation to that effect in the evidence of enquiry. Thus, said allegation cannot be said to be proved in the enquiry.

31. Similarly, findings regarding allegations nos. 3 & 4 appears to be based on assumption and presumption and inference without banking on any evidence to that effect. Even otherwise, the said allegations were vague and not specifically invoked rigors of any specific misconduct, laid down in Bipartite settlement.

32. The allegation No. 5 seems to be proved on the basis of non-production of tickets issued by the second party/workman regarding travelling bill of Rs. 682. However, it seems that the charge itself framed to cast burden on second party, and same cannot regarded as sufficiently

proved since the contention of second party about misplacing tickets was at all not considered. It is also noteworthy that the Enquiry Officer casted the burden upon delinquent employee to prove his bonafides rather than casting the same upon management.

33. Another allegation against the second party/workman was about his unauthorised absenteeism for number of times, thereby hampering the work allotted to him. Similarly, there were lapses of non-submission of leave application before proceeding on leave, non submission of medical certificate from authorized doctor, taking of privilege leave on more than two occasions and disobeying instructions given by the employers to attend the duty. In this respect, upon considering documentary evidence, the enquiry officer has found that on many occasions, the second party/workman was unauthorizedly absent from duty, so also, he never got sanctioned his leave prior to proceeding of leave and violated the leave rules.

34. In this context, it has been submitted by the learned Counsel for the second party/workman that the leave applications moved by the second party/workman were duly sanctioned and the second party/workman has paid remuneration for the said period. It is also submitted that there was loss of pay only for 10 days, therefore, the second party/workman cannot be branded as unauthorizedly absent. He also invited my attention towards the admissions rendered by the first party/employer witness Mr. S.K.Kulkarni, that absence period of second party/workman was converted into the leave by the Bank.

35. Whereas, the learned Counsel Mr. Paithankar for first party, submitted that though, the absence period of second party/workman converted into leave by the first party/employer still the misconduct would remain there. According to him, the said charge cannot be condoned or exonerated and therefore, said charge regarding unauthorised absence stands proved in the enquiry. In support of his submissions, Mr. Prakash Paithankar, the learned Counsel for the first party/employer relied on following decision.

1. AIR 2004 SUPREME COURT 4161 (Delhi Transport Corporation vs. Sardar Singh)
2. 2010 (3) LJSOFT 62 (Bombay H.C) (Pandurang Vithal Kevne Vs. Bharat Sanchar Nigam Ltd.,

36. In the aforementioned decision at Sr. no. I, in para no. 9 it is observed thus:

“9. When an employee absents himself from duty, even without sanctioned leave for very long period, it prima facie shows lack of interest in work. Para 19(h) of the Standing Order as quoted above relates to habitual negligence of duties and lack of interest in the Authority's work. When an employee absents himself from duty without sanctioned leave the

Authority can, on the basis of the record, come to a conclusion about the employee being habitually negligent in duties and an exhibited lack of interest in the employer's work. Ample material was produced before the Tribunal in each case to show as to how the concerned employees were remaining absent for long periods which affect the work of the employer and the concerned employee was required at least to bring some material on record to show as to how his absence was on the basis of sanctioned leave and as to how there was no negligence. Habitual absence is a factor which establishes lack of interest in work. There cannot be any sweeping generalization. But at the same time some telltale features can be noticed and pressed into service to arrive at conclusions in the departmental proceedings.

37. Thus, in view of above decision and ratio laid down therein, it is clear that order of sanction of leave can be considered only for the purpose of maintaining record of service, and, therefore, absence can be treated as unauthorised absence, though, it is converted into leave by the employer. Therefore, in view of fact that documentary evidence placed in the enquiry regarding absence period, leave applications etc. in that event, findings arrived at by the Enquiry Officer cannot be faulted with at all. Even otherwise, the witnesses in the enquiry also embarked upon the fact that the second party/workman had remained absent from his duty at Shahada branch at a considerable period. Thus, it is evident that apart from the charge of unauthorised absence, at Sr. no. 06. all other charges levelled in enquiry were not proved on the basis of evidence, in the enquiry, still the Enquiry Officer recorded his affirmative finding upon all the charges. Therefore, it can be said that barring charge no. 6, findings of in all other charges were contrary to the evidence recorded in the enquiry and amounting to perversity.

38. It is also submitted by Mr. Paithankar, learned Counsel for the first party/employer that the Bank relies upon domestic enquiry held by it in the first place, and alternatively and without prejudice to its plea that fair, proper and binding, simultaneously shall adduce additional evidence before this Court to justify its action. In this way, the first party/employer has adduced its evidence to prove the charges before the Court, in case, the charges were held to be not proved in the enquiry by the Court. Accordingly, a Pursis Ex.C-32 came to be filed on behalf of the first party/employer through, Advocate Mr. Paithankar, dtd. 05/03/2012.

39. Now, therefore, it has to be seen that whether the first party/employer could succeed to prove charges no. 1 to 5 before this Court, since, these charges were upheld to be not proved by this Court.

40 In this context, the first party/employer Bank adduced the evidence of Presenting Officer Mr. S.K.Kulkarni. and

another employee viz., Mr. Chandrakant Mahale. It may be recalled that in the said comprehensive evidence, certain remarks has been made regarding Criminal Trial faced by the second party/workman before CJM Dhule in case RCC No. 73/1985 and alleged formation of Co-operative Society by the second party/workman. However, said witness also admits in the cross-examination that present charge sheet against the second party/workman does not cover said lapse or allegations. Moreover, he also admits that the second party/workman did not face any of the punishment other than the discharge with superannuation benefits. Similarly, evidence of Mr. Chandrakant Mahale appears to be restricted about the absence of second party/workman from March 1996 to November 1996 at Shahada Branch and attending branch by way of car by him.

41. It may be recalled that the evidence of Mr. S.K.Kulkarni, would revolve around the fact that the second party/workman remained willful absent from Branch at Shahada and procedure adopted by the Enquiry Officer in the enquiry. Similarly, Mr. S.K. Kulkarni also adduced the evidence regarding the incident dtd. 17th July, 2000 involving certain incident & other conduct of second party/workman in respect of forming of co-operative society. Thus, no specific evidence is forthcoming in order to prove the charges no. 1 to 5 before this Court. It is seen that the first party/employer appears to have casted burden upon the second party/workman to prove his bonafides rather than proving the charges of misconducts against him by bringing independent evidence to that effect. The said exercise cannot be accepted, since, it is well established that burden lies upon the party who alleges it. Even otherwise, in the enquiry proceeding also, the Enquiry Officer casted the burden upon delinquent employee to prove his bonafide rather than casting the same upon management. Irrespective of that the second party/workman has led not only his evidence but that of his witness supported with rent receipt, Transportation receipt etc. However, since the burden exclusively casted upon the management to prove the charges against the delinquent employee, in that event, some admissions rendered by the witnesses of the second party/workman will have no serious impact upon the authenticity of said evidence, supported by documents. Thus, it is clear that barring charge no. 6 all other charges are also not proved before this Court. Accordingly, I have answered issues no. 1-A in the affirmative & 1-B in the negative to the extent of charge no.6.

Issues No. 1 & 2

42. In view of above discussion, it has to be seen whether the punishment meted out to the second party/workman was proportionate and in accordance with the Bipartite Settlement of the bank or not. In this context, the learned Counsel for second party/workman Mr. Shahane submits that the charges levelled against the second party/workman were not only minor, but also vague and

3928 9/12-24

inconsistent with the misconducts mentioned in Bipartite Settlement of the Bank. He also submits that all the charges no. 1 to 6 are in fact minor, regarding minor misconduct, but the punishment given to the second party/workman is highly disproportionate considering the gravity of his misconducts. He also submits that discharging second party/workman from service constituting 'gross-misconduct' is not correct, therefore, the said action of discharge from service is liable to be quashed and set aside by this Court by exercising powers contemplated under section 11-A of the I.D. Act, 1947. He also submits that said punishment would be contrary to the provisions of Sastri Award, and therefore, liable to be quashed. According to para 521 (5) (b) provides be warned or censured etc. instead of sever punishment of discharge, therefore, said punishment is illegal.

43. In support of his submissions Mr. Shahane, the learned Counsel for the second party/workman relied on following decision.

- 1 1991 II CLR 528 (Bombay H.C.) in case of Kashinath Laxman Gawali Datta Prasad Vs. The General Manager Hindustan Aeronautics Ltd. & Ors.
- 2 1984 ILLJ pg. 16 (S.C.) in case of Glaxo Laboratories (I) Ltd., Vs. Labour Court Meerut & Ors.
- 3 1994 Lab I.C. Page 1367 (P & H. H.C.) in case of Harpal Singh Vs. The P.O. Labour Court Ambala,
- 4 2008 (2) Bom. L.C. page 65 (Bom. H.C.) in case of Taranjit Singh I. Bagga Vs. M.S.R.T.C. Amravati,
- 5 1987 I CLR pg. 422 (Bom. H.C.) in case of Mrs. C. Pinto Vs. M/s. Prahladrai Dalmia and sons,
- 6 2007 (7) Supreme 629 (S.C.) in case of Karan-Singh Vs. M/s. Executive Engineer.
- 7 2009 (9) LJ Soft (URC) 12 (Bom.H.C.) in case of Balasaheb Ambadas Gunde Vs. Union of India and Ors.

44. In the aforementioned decision at sr. no.1, in para no. 8 it is observed thus:

"8. In this view of the matter, I am more than satisfied that the first respondent dismissed the petitioner for the so-called misconduct which was of a minor or technical character and without having any regard to the nature of the particular misconduct or the past record of service which amounted to a shockingly disproportionate punishment and thus committed unfair labour practice covered by Item 1(g) of Schedule IV of the MRTU & PULP Act. The Learned Labour Judge and the learned Member of the Industrial Court committed grave error in not appreciating the evidence in its proper perspective and, therefore, can be said to have come to perverse

findings and passing illegal orders. These grave errors which are very much apparent on the face of the record have got to be corrected in the interest of justice."

45. On the contrary, the learned Counsel for the first party/employer Mr. Paithankar, submits that unauthorised absenteeism can be regarded as serious misconduct, and therefore, punishment given to the second party/workman is proportionate. In support of his submissions Mr. Paithankar relied on following decisions.

- 1 AIR 2010 SUPREME COURT 142 in case of Biecco Lawrie Ltd., Vs. State of W.B. and Anr.
- 2 2008 SUPREME COURT 1162 in case of Management of West Bokaro Colliery of M/s. Tisco Ltd. v. Concerned Workman
- 3 2005 (1) Mh. L.J. in case of Hindustan Petroleum Corporation Ltd. D.N. Vidhate and Another.
- 4 AIR 2007 SC (Suppl) 1752 in case of M/s. L and T Komatsu Ltd., V. N. Udayakumar.
- 5 AIR 2006 SUPREME COURT 2730 in case of Divisional Controller N.E.K.R.T.C. V. H. Amaresh.
- 6 AIR 2006 SUPREME COURT 2164 in case of North Eastern Karnataka T.T. Corpn. V. Ashappa and Anr.

46 In the aforementioned decision at sr. no.1, wherein para no. 24 it is observed thus:

"24. The learned Single Judge also misused the power vested in him by remanding back the matter to the Industrial Tribunal for reconsideration when the charges were found to be proved. The Tribunal also erred in reversing its own decision on the same evidence for which we fail to see as to how the same Forum can appreciate the same evidence differently. The arguments advanced by the respondent that there was violation of the principles of natural justice does not stand true and if it does it was duly redressed by the fresh inquiry conducted by the Tribunal after its order dated 9th of October, 1990."

47. It may be recalled that as per the submission of the first party/employer that Indian Bank's Association has since signed a fresh Bipartite Settlement with workmen Union, including National Confederation of Bank Employees to which All India State Bank of India Staff Federation is affiliated. According to the Bank, this settlement is regarding Disciplinary Action Procedure for workmen. This Settlement is in super-session of all the earlier provisions relating to Disciplinary Action Procedure for workmen in banks and its provisions shall take effect from the date of Settlement. Even copy of circular issued by the first party/employer is annexed with record. Similarly, said circular is filed on record with Annexure 7 of list Ex.C-6.

48. As per said circular of Bipartite Settlement, the expression 'gross misconduct' in Rule 5 vide (a) to (u) and punishment for 'gross misconduct' has been provided under Rule 6 of the said Bipartite Settlement. Whereas, Rule 7, the expression 'minor misconduct' has been defined under sub rule (a) to (p) and punishment has been provided under Rule 8 of the settlement. Rule 9 stipulates that if a workman found guilty of misconduct, whether 'gross' or 'minor' he shall not be given more than one punishment in respect of any one charge.

49. It may be recalled that in the present case, the charge of unauthorised absence came to be proved against the second party/workman in the enquiry. As per Rule 8 sub-rule (a), the said charge of absence without leave or overstaying sanctioned leave without sufficient grounds has been prescribed under minor misconduct. Whereas, the punishment for minor misconduct vide rule 8 has been prescribed thus:

- (a) be warned or censured; or
- (b) have an adverse remark entered against him;
- (c) have his increment stopped for a period not longer than six months.

50. Obviously, therefore, Bipartite Settlement does not prescribe the punishment of discharge from service with superannuation benefits prescribed under Rule 6-d, for minor misconduct. This punishment has been prescribed for gross misconduct as defined under Rule 5 of the said Bipartite Settlement. Admittedly, the said punishment would be disproportionate on the basis of charge of absenteeism proved against second party/workman on the basis of said settlement, therefore, cannot legally stand, as rightly submitted by the learned Counsel Mr. P.L. Shahane, for the second party/workman.

51. Even otherwise, absence from duty without any application or prior permission may amount to unauthorised absence but does not always mean wilful. In this case also disciplinary authority failed to prove that the absence of second party/workman was wilful. Therefore, if the absence of the second party/workman is result of compelling circumstances under which it was not possible to report or perform duty such absence cannot be held to be wilful. Even otherwise, no specific findings has been given by the Enquiry Officer or Appellate Authority that said absence of second party/workman was intentional and wilful with respect to the service conditions of the first party/employer. In this respect, useful reference can be made on a decision of Hon'ble Apex Court reported in 2012 (7) LJ Soft page 129 in case of Krushnakant B. Parmar Vs. Union of India, wherein para no. 18, it is observed thus:

"18. Absence from duty without any application or prior permission may amount to unauthorised absence, but it does not always mean wilful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident, hospitalisation etc. but in such case the employee cannot be held guilty of failure of devotion to duty or behaviour unbecoming of a Government servant."

52. In view of above discussion and considering the fact that minor misconduct has been only proved in pursuance of enquiry against the second party/workman, in that event, invocation of powers under Section 11-A of the I.D. Act, 1947 are imminent and hence, I find that the second party/workman is entitled for lesser punishment instead of discharging from duty with superannuation benefits. Therefore, in this regard certain directions are indeed required to be given to the first party/employer. It would be appropriate to make it clear that the second party/workman has crossed retirement age, in that event, only consequential benefits required to be awarded, as if he was in service till attaining his age of retirement with continuity but without back wages. Since, there is neither pleadings nor evidence that subsequent to discharge of the second party/workman, he was nowhere gainfully employed and despite of his best efforts, he failed to get any of the suitable alternative employment. Accordingly, I have answered issues no. 1 & 2 in the affirmative and proceed to pass the following order.

ORDER

1. The Reference is answered partly in the affirmative as under:

2. It is declared that the action of the first party/employer discharging second party/workman from service by an order dtd. 30-09-2002 & 27-01-2004 is hereby quashed and set aside.

3. The first party/employer is directed to calculate and pay consequential benefits, as if the second party/workman was in service till attaining his age of retirement with continuity but without back wages.

4. Copies of the Award be sent to the Appropriate Government for publication.

No order as to costs.

D.B. PATANGE, Presiding Officer & Judge

नई दिल्ली, 3 अक्टूबर, 2012

का. आ. 3262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक

अधिकरण, श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 26/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-10-2012 को प्राप्त हुआ था।

[सं. एल-12012/326/99-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 3rd October, 2012

S.O. 3262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 26/2000) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workmen, received by the Central Government on 03-10-2012.

[No. L-12012/326/99-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/26/2000

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri Kanchhedilal Yadav

S/o Baladin Yadav,

Vill: Post Mazia Vyaya Baswari,

Katni (MP)

...Workman

Versus

The Branch Manager,

State Bank of India,

Vilayatkala(Bhajiya) Branch,

Distt. Katni (MP)

...Management

AWARD

Passed on this 13th day of September, 2012

1. The Government of India, Ministry of Labour vide its Notification No.L-12012/326/99/IR(B-I) dated 11-1-2000 has referred the following dispute for adjudication by this tribunal:—

“ Whether the action of the management of State Bank of India, Vilayatkalan(Bhajiya) Branch in terminating the services of Shri Kanchhedilal Yadav S/o Shri Baladin Yadav from 21-6-97 after engaging him in various branches under various names from January 1984 to 20-6-1997 is legal and justified? If not, to what relief the workman is entitled?”

2. The case of the workman Shri Kanchhedilal Yadav in short is that he was working as Messenger (Peon) on daily wages from 9-1-1984 at Bhajiya Branch of the State Bank of

India and worked there till 21-6-97. The Branch Manager time to time recommended his name for regular appointment but he was not regularized in the Bank. It is stated that on 21-6-97, the then Branch Manager Shri J.P.Choudhary told him to clean the utensils at his residence which he had refused to oblige. As such he was orally stopped from work on 21-6-97. He submitted representation but of no avail. It is submitted that the management be directed to regularize him in the service with back wages.

3. The management appeared and filed Written Statement in the case. The case of the management in short is that the workman was engaged as a Canteen Boy in the staff canteen of the Bhajiya Branch from January 1987 to 21-6-1997. There was a Local Implementation Committee which is a Welfare Committee of the Staffs members. The said committee recruited the canteen boy. There was no right of the Bank to supervise and control the work done by the Canteen Boy. There was no right of the Bank to supervise and control the work done by the Canteen Boy. His engagement as a Canteen Boy does not mean that he was in the employment of the Bank. However he was also engaged for half an hour for cleaning and for fetching and filling water in the Bank. It is stated that he was engaged in the year 1984 for 76 days, in 1985 for 37 days, in 1986- 16 days, in 1987- 03 days, in 1988- 15 days, in 1989-294 days, in 1990- 297 days, in 1991-112 days and in 1994- 16 days only. It was contractual engagement for half an hour in a day. He was also employed for doing the work of messenger in the year 1990 for 5 days only on daily basis. He was never appointed as a messenger against the vacant post. The termination of the workman is not a retrenchment. He comes under the purview of Section 2(oo)(bb) of the Industrial Dispute Act, 1947 (in short the Act, 1947). The Branch manager were authorized to engage on daily wages in case of exigency. It is stated that there is no question of the violation of the provision of the Act, 1947. It is submitted that he is not entitled to any relief.

4. On the basis of the pleadings of the parties and reference order, the following issues are framed for adjudication—

I. Whether the action of the management in terminating the services of the workman w.e.f. 21-6-97 is legal and justified?

II. Whether the workman was engaged in various branches of the Bank in various names from January 1984 to 20-6-1997?

III. To what relief the workman is entitled?

5. Issue No. I

The workman Shri Kanchhedilal is examined in the case. He has stated that he was working as messenger on daily wages on 9-1-1984 at Bhajiya Branch of the SBI@ Rs.8 per day. But at para-5 he has contradicted his evidence that he was paid a fixed rate of Rs.520 per month and worked more

than 12 years. His evidence does not show that as to why he was getting two wages. This fact supports the case of the management that he was engaged as a Canteen Boy at a fixed rate of Rs.520 per month and Rs.8 was paid for cleaning and for fetching and filling water in the Bank whenever it was required. This shows that the workman has not come with a clean case. His evidence is not reliable that he worked continuously from 1984 to 1997.

6. The workman has also adduced documentary evidence in the case. Exhibit W/1 is a certificate dated 23-6-86 given by the Branch Manager. This shows that he worked as temporary messenger from 9th January, 1990 to 7th April, 1990 for 73 days. This itself shows that he was not continuously engaged from 1984 to 1997. Exhibit W/2 is another certificate dated 1-9-88. This certificate shows that he worked on daily wages from 1984 to 6-10-1986 for 199 days. This itself shows that he was not continuously engaged by the management rather he was engaged intermittently. Exhibit W/3 is the photocopy of marksheet of Madhuk Examination. Thus the oral and documentary evidence show that he was getting wages Rs.8 per day which was revised time to time and also he was getting Rs. 520 per month. Moreover it also shows that he was engaged on daily wages intermittently. These facts do not prove the case of the workman. This shows that the workman has concealed the facts rather these facts establish the case of the management that he was employed as Canteen Boy from 1984 to 1997 and was paid Rs.520 per month as wages and Rs. 8 for part time work of the Bank for cleaning and for fetching and filling water and intermittently for messenger work on daily wages.

7. On the other hand, the management has also adduced oral and documentary evidence. The management witness Shri Abhishek Virha is Branch Manager at Bhajiya Branch of SBI. He has supported the case of the management. He has stated that the workman was engaged as a Canteen Boy by the Canteen Committee which had no control of the Bank from January 1987 to 21-6-1997. He has further stated that he was also engaged for half an hour in the Bank for the period mentioned in his evidence from 1984 to 1994 intermittently for cleaning and for fetching and filling water. His evidence clearly shows that he was not engaged 240 days or more in twelve calendar months from the date of termination to attract the provision of Section 25B of the Act, 1947. This shows that there is no violation of the provision of Section 25-F of the Act, 1947.

8. The management has adduced documentary evidence. Exhibit M/1 is the particulars of temporary engagement of the workman by the Bank. This clearly shows that he was engaged from 1984 to 1994 intermittently. He was not engaged till 1997 as has been claimed. Exhibit M/2 is the breakup figure of the dates which also shows that he had not worked till 1997 rather worked only upto 1994

intermittently. Exhibit M/3 is the letter of the Canteen Committee to the workman terminating his service. This is filed to show that he was Canteen Boy and was terminated by the Committee. Thus it is clear that he was not terminated by the Bank in 1997 rather he worked in the Bank casually till 1994 and there is no violation of the Act, 1947. This issue is decided against the workman and in favour of the management.

9. Issue No. II

There is no pleading that the workman had worked in different branches of the Bank and was paid wages in different names, nor there is any evidence on the above facts. The workman has stated in his evidence at para-10 that he had worked only in one branch of the Bank. Thus it is clear that this issue is also not established by the workman. This issue is decided against the workman and in favour of the management.

10. Issue No. III

On the basis of the discussion made above, it is clear that the workman was terminated on 21-6-1997 by the Canteen Committee which has no control of the management Bank. The action of the management is justified. The workman is not entitled to any relief. The reference is, accordingly, answered.

11. In the result, the award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 3 अक्टूबर, 2012

का. आ. 3263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 115/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-10-2012 को प्राप्त हुआ था।

[सं. एल-41012/15/98-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 3rd October, 2012

S.O. 3263.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/99) of the Central Government Industrial-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of Central Railway, and their workmen, received by the Central Government on 03-10-2012.

[No. L-41012/15/98-IR(B-I)]

RAMESH SINGH, Desk Officer

3928 R/13-25

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/115/99****PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN**

Shri Jagannath Prasad,
S/o Shri Gokuldas,
Vill. Paliyakhal,
PO Harda,
Distt. Hoshangabad

.... Workman

Versus

The General Manager,
Central Railway, Mumbai V.T.
Mumbai
The Divisional Railway Manager(P)
Central Railway,
Bhopal (MP)

.... Management

AWARD

Passed on this 17th day of September, 2012

1. The Government of India, Ministry of Labour vide its Notification No.L-41012/15/98-IR(B-I) dated 9-3-99 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management of General Manager, Central Railway, Mumbai V.T. in terminating the services of Shri Jagannath Prasad S/o Gokuldas w.e.f. 19-2-98 is justified? If not, to what relief the workman is entitled for?”

2. The case of the workman Shri Jagannath Prasad in short is that he was appointed on the post of Khalasi on regular basis on 3-8-83 and worked continuously till 18-9-83 for 45 days in RCF, Thal, Central Railway. Thereafter he was again engaged at Harda from 19-1-84 to 18-3-84 for 59 days. Then at Burhanpur he was engaged from 24-8-84 to 18-9-84 for 26 days. Again he was engaged at Harda from 25-6-85 to 18-9-86 for 88 days. Lastly he was engaged again at Harda from 3-6-88 to 12-2-89 for 211 days. He was issued Service Card bearing No. 330152. It is stated that he had worked more than 240 days and he was deemed to be permanent employee as such he was transferred from one place to another. It is stated that while he was working under Inspector, Central Railway, Harda he became ill and he was treated in the Railway Hospital and after becoming fit, he submitted fitness certificate but he was not taken in employment. It is submitted that the reference be answered in his favour.

3. The management appeared and filed Written Statement in the case. The case of the management, inter alia is that the workman has projected his case, as if he is a regular

employee of the Railway and the medical rules are applicable. Infact, the workman was engaged on daily wages. He had worked as daily wages employee of the period as it is stated in the statement of claim. He had not worked 240 days in any year and as such the provision of Industrial Disputes Act, 1947 (in short the Act, 1947) is not applicable. He was absent unauthorisedly and had given no reply. Therefore, his name was struck off from the roll. It is stated that the grant of monthly rated casual labour (in short MRCL) status does not mean that he had been regularised. It is submitted that the workman is not entitled to any relief.

4. On the basis of the pleadings and the reference order the following issues are framed for adjudication :—

I. Whether the action of the management in terminating the services of Shri Jagannath Prasad w.e.f. 19-2-98 is justified?

II. To what relief the workman is entitled?

5. Issue No. I

To prove the case, three witnesses including the workman are examined. The witness Shri Kailash has come to support the case of the workman. He has stated that he and the workman had not got any appointment letter and both were working on the basis of service card. The said service card is filed by the workman which shows that the workman was engaged as casual labour. This witness has further stated that the entry was made on the day when he worked and when we went on leave, we filed leave application. His evidence clearly show that the engagement was on casual basis and not on regular basis. The workman Shri Jagannath Prasad has also stated that he had not received any appointment letter from the Railway. He got casual labour service card. His evidence also shows that he was engaged on casual basis and was not appointed as Khalasi in regular service.

6. The pleadings of the workman itself shows that he had last worked from 3-6-88 to 12-2-89 for 211 days. This fact is also admitted by the management in his pleadings. This is clear that he had not worked for continuous period of one year in twelve calendar months preceding the date of last employment or termination. Moreover, the reference is that he was terminated on 19-2-98. There is no pleading and evidence of either of the parties that he had worked from 1995 to 19-2-98. This itself shows that he had done no work in twelve calendar months preceding the date of termination. However, in both the cases as discussed above, the provision of Section 25B(2) of the Act, 1947 is not attracted to say that he had worked continuously for a period of one year. This shows that Section 25 F of the Act, 1947 is not applicable.

7. The third witness of the workman is Shri Basdeo. He has also stated that the workman had worked on the basis

of casual labour card. This also shows that he was casual labour and was not appointed as Khalasi. Thus the evidence of the workman does not prove his case.

8. The management has not adduced any evidence in the case. However, it is established from the pleadings of both the parties on the basis of admission that the workman had not worked 240 days in any calendar year and specially twelve calendar months preceding the date of termination and therefore, the provision of the Act, 1947 is not applicable. This issue is decided against the workman and in favour of the management.

9. Issue No. II

On the basis of the discussion made above, I find that the action of the management is justified. The workman is not entitled to any relief. The reference is therefore, answered.

10. In the result, the award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2012

का. आ. 3264.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 नवम्बर, 2012 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त की जा चुकी है) अध्याय-5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

केन्द्र	निम्न क्षेत्र के अंतर्गत आने वाले राजस्व गाँव
(1)	(2)
कोयम्बतूर जिले में अविनाशी तालुक अन्नूर एवं सरकार समकुलम	1. एस. एस. कुलम 2. कुपेपालयम 3. कट्टाम्पट्टी 4. कुन्नतूर 5. अग्रहारसमकुलम 6. कलिलपालयम 7. कीरनथम 8. अन्नूर 9. मासेगौण्ड-चेट्टिपालयम 10. पिललैयप्पनपालयम 11. कारेगौण्डनपालयम

(1)

(2)

12. आद्वरपालयम

13. करियमपालयम

14. कोन्डम्पालयम

[सं. एस-38013/30/2012-एस.एस. I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 5th October, 2012

S.O. 3264.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2012 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

Centre	Area comprising the Revenue villages of
Annur & Sarkar Samakulam Avinashi Taluk, in Coimbatore District	1. S.S. Kulam 2. Kuppepalayam 3. Kattampatty 4. Kunnathur 5. Agraharasamakulam 6. Kallipalayam 7. Keeranatham 8. Annur 9. Masegoundenchettipalayam 10. Pillaiappanpalayam 11. Karegoundenpalayam 12. Odderpalayam 13. Kariampalayam 14. Kondampalayam

[No. S-38013/30/2012-S.S. I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 8 अक्टूबर, 2012

का.आ. 3265.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि ईंधन गैसों (कोयला गैस-प्राकृतिक गैस और ऐसी अन्य) के प्रसंस्करण एवं उत्पादन में लगे उद्योगों में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की

3928 40/12-26

प्रविष्टि 29 के अंतर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उप-खंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/2/2003-आईआर(पीएल)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 8th October, 2012

S.O. 3265.—Whereas the Central Government is satisfied that the public interest so requires that the services in the industry engaged in the 'Processing or Production of Fuel Gases (Coal Gas, Natural Gas and the like)' which is covered by item 29 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) should be declared to be a Public Utility Service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a Public Utility Service for the purpose of the said Act for a period of six months.

[No. S-11017/2/2003-IR(PL)]

CHANDRA PRAKASH, Jt. Secy.

नई दिल्ली, 11 अक्टूबर, 2012

का. आ. 3266.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 नवम्बर, 2012 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 (धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्र.सं.	राजस्व ग्राम का नाम	तालुक	जिला
1	2	3	4
1.	चूलिशेरी	तृशूर	तृशूर
2.	पोट्टोर	तृशूर	तृशूर
3.	कैनूर	तृशूर	तृशूर

1	2	3	4
4.	पुत्तूर	तृशूर	तृशूर
5.	कादूर	मुकुन्दपुरम	तृशूर
6.	कोडशेरी	मुकुन्दपुरम	तृशूर
7.	मेत्तला	कोडुंगल्लूर	तृशूर
8.	कणिप्पयूर	तलप्पिल्ली	तृशूर
9.	अवणूर	तृशूर	तृशूर
10.	चिरमनंगाड	तलप्पिल्ली	तृशूर
11.	पोलपल्लि	पालक्काड	पालक्काड
12.	चात्तमंगलम	कोषिकोड	कोषिकोड
13.	पेरांब्रा	कोडलांडी	कोषिकोड
14.	मणियूर	वडकरा	कोषिकोड
15.	मेलमुरि	एर्नाड	मलप्पुरम
16.	कूटिलंगडि	पेरितलमन्ना	मलप्पुरम
17.	कुषिपिल्ली	कोच्चिन	एर्नाकुलम
18.	पाल्लिपुरम	कोच्चिन	एर्नाकुलम
19.	कुन्नतुनाड	कुन्नतुनाड	एर्नाकुलम
20.	एनडिमंगल	अडूर	पत्तनमतिट्टा
21.	कुलत्तुम्पेल	नेय्यट्टिनकरा	तिरुवनंतपुरम
22.	कुन्नतुकाल	नेय्यट्टिनकरा	तिरुवनंतपुरम
23.	आनावूर	नेय्यट्टिनकरा	तिरुवनंतपुरम
24.	वर्कला	चिरयिनकीष	तिरुवनंतपुरम
25.	पेरूमकुलम	नेडुमंगाड	तिरुवनंतपुरम
26.	मांगोड	कोट्टारक्करा	कोल्लम
27.	इडमण	पत्तनापुरम	कोल्लम

[सं. एस-38013/31/2012-एस.एस.-I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 11th October, 2012

S.O. 3266.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2012 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the state of Kerala namely.

Sl. No.	Name of the Revenue Villages	Taluka	District	(1)	(2)	(3)	(4)
(1)	(2)	(3)	(4)				
1.	Choolissery	Thrissur	Thrissur	14.	Maniyur	Vatakara	Kozhikode
2.	Pottore	Thrissur	Thrissur	15.	Melmuri	Ernad	Malappuram
3.	Kainur	Thrissur	Thrissur	16.	Kootilangadi	Perinthalmanna	Malappuram
4.	Puthur	Thrissur	Thrissur	17.	Kuzhipilly	Cochin	Ernakulam
5.	Kattur	Mukundapuram	Thrissur	18.	Pallippuram	Cochin	Ernakulam
6.	Kodassery	Mukundapuram	Thrissur	19.	Kunnathunad	Kunnathunadu	Ernakulam
7.	Methala	Kodungallur	Thrissur	20.	Enadimangalam	Adoor	Pathanamthitta
8.	Kanipayyur	Thalappilly	Thrissur	21.	Kulathummel	Neyyattinkara	Thiruvananthapuram
9.	Avanur	Thrissur	Thrissur	22.	Kunnathukal	Neyyattinkara	Thiruvananthapuram
10.	Chiramanangad	Thalapilly	Thrissur	23.	Anavoor	Neyyattinkara	Thiruvananthapuram
11.	Polpally	Palakkad	Palakkad	24.	Varkala	Chirayinkeezhu	Thiruvananthapuram
12.	Chathamangalam	Kozhikode	Kozhikode	25.	Perumkulam	Nedumangad	Thiruvananthapuram
13.	Perambra	Quilandy	Kozhikode	26.	Mangodu	Kottarakkara	Kollam
				27.	Edamon	Pathanapuram	Kollam

[No. S-38013/31/2012-S.S.-I]

NARESH JAISWAL, Under Secy.